



# TOWN OF FREDERICK

Frederick Town Hall 401 Locust Street  
Town Board of Trustees Agenda  
Tuesday, April 22, 2014

**6:30 P.M.**  
**Work Session**  
General Discussion

**7:00 P.M. Regular Meeting**

**Call to Order – Roll Call:**

**Pledge of Allegiance:**

**Approval of Agenda:**

**Special Presentations:**

Carbon Valley Academy Odyssey of the Mind – Ashley Bradley

HEAL Committee – Jim Wollack

Proclamation for Building Safety Month

**Public Comment:** This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to five (5) minutes.

**Staff Reports:**

- A. Administrative Report – Matt LeCerf, Town Manager
- B. Town Clerk's Report – Meghan Martinez, Town Clerk
- C. Town Attorney's Report – Rick Samson, Town Attorney

**Consent Agenda:** Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

- D. Approval of April 8, 2014 Minutes – Meghan Martinez, Town Clerk
- E. Acknowledgement of Receipt of List of Bills – Mitzi McCoy, Finance Director



- F. Request to Table Appointment of Cindy Garritt to the Cultural and Performing Arts Commission to May 13, 2014 – Meghan Martinez, Town Clerk

**Action Agenda:**

- G. Resolution 14R15 Awarding the 2014 Town of Frederick Scholarship – Meghan Martinez, Town Clerk
- H. Appointment of Tami Showers to Frederick Arts Commission – Meghan Martinez, Town Clerk
- I. Appointment of Andy Calymen to the Planning Commission – Jennifer Simmons, Planning Director
- J. Appointment of Jill McNally to the Planning Commission – Jennifer Simmons, Planning Director
- K. Ordinance 1167 Amendments to Articles 1 and 2 of the Land Use Code – Jennifer Simmons, Planning Director
- L. Ordinance 1168 Amending 10-251 of Frederick Municipal Code with regard to Cigarettes, Tobacco Products, and Nicotine Products – Rick Samson, Town Attorney
- M. Appointment of Board Member to Building Appeals Board – Meghan Martinez, Town Clerk
- N. Appointment of Board Members to Miner's Day Commission – Meghan Martinez, Town Clerk
- O. Appointment of Board Member to DRCOG – Meghan Martinez, Town Clerk

**Mayor and Trustee Reports:**

**Work Session:** General Discussion





# TOWN OF FREDERICK

## APPLICATION FOR COMMUNITY PROGRAM FUNDING

DATE 4/16

DATE RECEIVED \_\_\_\_\_

ORGANIZATION NAME: Carbon Valley Academy Odyssey of the Mind

CONTACT PERSON: Ashley Bradley

ORGANIZATION ADDRESS: 4040 Coriolis Drive

HOW IS YOUR ORGANIZATION STRUCTURED? (Example: non-profit corporation)

non-profit school club

LIST OFFICERS IN THE ORGANIZATION:

PRESIDENT/CHAIRPERSON: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

BOARD OF DIRECTORS: \_\_\_\_\_

It's just a school club. I, Ashley Bradley, am the  
coach of the team.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## EVENT/ACTIVITY BUDGET INFORMATION


List the estimated budget for this event/activity:

Source of Funding	Amount
Town of Frederick	\$ <u>750</u> (amount of this request)
<u>in our account already</u>	\$ <u>1300</u>
<u>community sponsors + donations</u>	\$ <u>hoping for \$2000</u>
	\$ _____
<b>Total Funding</b>	\$ <u>4,050</u> (hopefully)
<b>Estimated Costs</b>	<b>Amount</b>
<u>participation, food, lodging</u>	\$ <u>3186</u>
<u>transportation - gas + food on the road</u>	\$ <u>600</u>
<u>T-shirts + hats</u>	\$ <u>140</u>
	\$ _____
<b>Total Costs</b>	\$ <u>3926</u>

If applicable, please describe how your organization plans to utilize any surplus funds resulting for this event/activity.

Any surplus funds will be placed in our account  
for next year's teams - for registrations + supplies.

Name and Signature of Organization's Project Chairperson:

<u>Ashley Bradley</u>	<u>303-827-1660</u>
NAME (PLEASE PRINT OR TYPE)	TELEPHONE
<u>coach of OM team</u>	
TITLE	
	<u>4/11/14</u>
SIGNATURE	DATE





# TOWN OF FREDERICK

## M E M O R A N D U M

### Building Division

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TO: Mayor Carey and Trustees

FROM: Jason Overholt, Chief Building Official

THROUGH: Dick Leffler, Engineering & Utilities Director

DATE: April 16, 2014

**SUBJECT: Building Safety Month**

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Staff has made preparations for the upcoming Building Safety Month in May. To kick things off and reach out to the public, staff will be handing out educational materials, pencils, stickers, and coloring books for the kids at this year's fishing clinic on May 3. Building Safety Month will include four weekly themes for this year, which are:

May 5-11	Keeping Fire in its Place
May 12-18	Helping Homeowners Weather the Storm
May 19-25	Surround Your House with Safety
May 26-31	Building a Brighter, More Efficient Tomorrow

These themes will be promoted on the Town's website and handouts will be available at the Building Division office. Staff would like to thank the Town Board, contractors, developers, and the Frederick citizens for their continued support in creating a safe built environment in the Town of Frederick.





## *Proclamation Town of Frederick*

*Whereas, our Town's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, give us confidence that our structures are safe and sound, and;*

*Whereas, our confidence is achieved through the vigilance of building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;*

*Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;*


*Whereas, Building Safety Month encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies.*

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Board of Trustees of the Town of Frederick do hereby proclaim the month of May, 2014 as

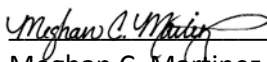
## *Building Safety Month*

**ADOPTED** by the Mayor of the Town of Frederick on this 22<sup>nd</sup> day of April, 2014

**TOWN OF FREDERICK**

  
\_\_\_\_\_  
Tony Carey, Mayor

Attest:

  
\_\_\_\_\_  
Meghan C. Martinez, Town Clerk





# TOWN OF FREDERICK

## M E M O R A N D U M

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TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: April 17, 2014

**SUBJECT: Town Clerk Report**

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- *Historic Preservation Commission.* The Commission has submitted for a grant from the Colorado Wyoming Association of Museums to purchase a new display case. In addition, the commission has been working with Cindy Kamigaki to put together a mine map to be placed in the museum. The Commission meets on Thursday, April 24<sup>th</sup> to discuss further projects.
- *Community BBQ Tour.* Megan Williams and I have been in touch with the HOAs and are working on coordinating dates for the BBQ Tour.
- *Records Training.* I will be attending a records training on April 29<sup>th</sup> in Greeley.
- *New Business Licenses:*
  1. Skyline Roofing 8245 W. 1-25 Frontage Road  
Roofing Contractor
  2. Derrico Crew 6315 Steeple Rock Drive  
Home Occupation – Web Design, ECommerce
  3. Hillside 4x4 3772 Puritan Way #17  
General Automotive and 4x4 Modification
  4. Shelia Broderick Photography 10 Walnut Drive  
Home Occupation – Portrait Photography



**REGULAR BOARD MEETING MINUTES  
TOWN OF FREDERICK BOARD OF TRUSTEES  
Frederick Town Hall, 401 Locust Street  
Tuesday, April 8, 2014**

At 7:00 P.M. Mayor Carey called the meeting to order and requested roll call.

**Roll Call**

Present were Mayor Carey, Mayor Pro Tem Wollack and Trustees Skates, Schiers, Payne, Brown and Burnham. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson and Town Clerk Meghan Martinez.

**Pledge of Allegiance:** The Mayor invited everyone to join in the Pledge of Allegiance.

**Approval of Agenda:** There were no changes to the agenda.

**Public Comment:**

April Wollack, 5120 Dvorak Circle, thanked the Board for their support of Miners Day. Thank you for always thinking of what is best for Frederick and its' residents.

Rock Figurelli, 457 3<sup>rd</sup> Street discussed the vacant house at 501 3<sup>rd</sup> Street. He expressed concern about break-ins at the vacant home. He also voiced his concerns about junk collectors.

Josh Williams, 6187 Graden Street, congratulated everyone thanked the outgoing board members. He shared his thoughts and experiences regarding the flood. He thanked Public Works for all their work. He has been meeting with Matt regarding the ditch near Savannah that flooded and would be happy to help the Board in whatever they need him for.

**Consent Agenda**

Motion by Trustee Schiers and seconded by Trustee Payne to approve the consent agenda which consisted of the following items:

- March 25, 2014 Minutes

**Presentation of Plaque to Jim Wollack:** Mayor Carey presented a plaque to outgoing Trustee Jim Wollack for his service on the Board. He thanked Jim and his wife April for their service to the Town.

**Swearing in of Trustee Rafer Burnham:** Trustee Rafer Burnham was sworn in as Trustee by Town Clerk Meghan Martinez.

**Swearing in of Trustee Fred Skates:** Trustee Fred Skates was sworn in as Trustee by Town Clerk Meghan Martinez.

**Swearing in of Trustee Donna Hudziak:** Trustee Donna Hudziak was sworn in as Trustee by Town Clerk Meghan Martinez.

**Administrative Report:** Town Manager Matt LeCerf provided a written report to the Board. Mayor Carey asked for a status report on road 16. Public Works Director Kiel Mangus gave an update.



**Town Clerk's Report:** Town Clerk Meghan Martinez provided a written report to the Board. Trustee Payne thanked the Town Clerk for a well-run election.

**Consent Agenda:** Motion by Trustee Payne and seconded by Trustee Burnham to approve the consent agenda which included the following items.

- Resolution 14R10 Appointing the Town Manager
- Resolution 14R11 Appointing the Town Clerk
- Resolution 14R12 Appointing the Town Attorney
- Resolution 14R13 Appointing the Town Treasurer
- Resolution 14R14 Appointing the Municipal Judge

Upon roll call vote, motion passed unanimously.

**Swearing in of Town Clerk Meghan Martinez:** Town Clerk Meghan Martinez was sworn in as Town Clerk by Mayor Carey.

**Swearing in of Town Manager Matt LeCerf:** Town Manager Matt LeCerf was sworn in as Town Manager by Town Clerk Meghan Martinez.

**Swearing in of Treasurer Matt LeCerf:** Town Manager Matt LeCerf was sworn in as Treasurer by Town Clerk Meghan Martinez.

**Swearing in of Town Attorney Rick Samson:** Town Attorney Rick Samson was sworn in as Town Attorney by Town Clerk Meghan Martienz.

**Action Agenda:**

**Appointment of Mayor Pro Tem:** Trustee Rafer Burnham nominated Trustee Laura Brown for Mayor Pro Tem. Trustee Schiers nominated herself for Mayor Pro Tem.

Mayor Carey called for a vote on the nominations in order of nomination. In the nomination of Trustee Laura Brown for Mayor Pro Tem the vote was 5-1 with Trustee Schiers voting no.

**Swearing in of Mayor Pro Tem Brown:** Trustee Laura Brown was sworn in as Mayor Pro Tem by Town Clerk Meghan Martinez.

**Consideration of Appointment of Cindy Garritt to the Cultural and Performing Arts Commission:** Community Relations Manager Megan Williams discussed the application. The applicant was not present. Motion by Trustee Payne and seconded by Trustee Skates to table the item to the next regularly scheduled meeting. Upon roll call vote, motion passed unanimously.

**Consideration of Appointment of James Crego to the Miners Day Commission:** Community Relations Manager Megan Williams discussed the application and introduced the applicant. James Crego, 7159 Canyon Avenue, introduced himself and requested appointment on the Miners Day Commission. Motion by Trustee Payne and seconded by Trustee Burnham to appoint James Crego to the Miners Day Commission. Upon roll call vote, motion passed unanimously.

**Consideration of Appointment of Kirsten Kochheiser to the Youth Commission:** Community Relations Manager Megan Williams discussed the application and introduced the applicant. Kirsten Kochheiser, 6956 Columbine Avenue, introduced herself to the Board. Motion by Trustee Burnham



and seconded by Trustee Schiers to appoint Kirsten Kochheiser to the Youth Commission.

**Discussion Agenda:**

Appointment of a Board Member to the Building Appeals Board: Town Clerk Meghan Martinez and Engineering and Utilities Director Dick Leffler discussed the Building Appeals Board. The Board requested this item be placed on the action agenda for the next meeting.

Appointment of Board Members to the Miners Day Commission: Town Clerk Meghan Martinez, Community Relations Manager Megan Williams, and Miners Day Commission Vice Chair Jim Long answered questions related to the Commission. The Board requested this item be placed on the action agenda for the next meeting.

**Mayor and Trustee Reports:**

Mayor Carey: He provided the Board with a proposed ordinance regarding e-cigarettes. He asked the Board to review and send any comments to him.

Mayor Pro Tem Brown: Welcome Trustee Hudziak to the group. She takes the position of Mayor Pro Tem seriously and as the position is defined the role she hopes the Board will let her know what she can do to best serve the Board.

Trustee Burnham: Congratulations to Donna, he looks forward to working with her. He thanked his wife for supporting him through the campaign season. Thank you to all the citizens who voted for him and trusted him to serve another four years. Thank you to Meghan for putting together the election, it was a really well run election.

Trustee Payne: Congratulations to Donna. Thanks to Angel and Rick, he appreciates their willingness to serve the community. If there are any comments on the Board document, please let him know.

Trustee Schiers: Congratulations to Fred and Rafer for their new term on the Board. Thank you to all the candidates; it would have been an honor to serve with any of them. We had a really good panel of candidates this time. Congratulations and welcome to Donna. Thanks to the Public Works Department as well. The I-25 Coalition meeting was cancelled this month.

Trustee Skates: Meghan did a great job with the election. All of the candidates this year were great. He is grateful and thankful to all those who voted for him. Congratulations to Donna.

Trustee Hudziak: She is looking forward to working with the Board. She thanked her husband for all his help and support during the campaign.

Motion by Trustee Skates and seconded by Trustee Schiers to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding a commercial property interest. Upon roll call vote, motion passed unanimously.

At 8:56 Mayor Carey reconvened the regular meeting of the Board of Trustees.

There being no further business of the Board, Mayor Carey closed the meeting at 8:57 pm.

Approved by the Board of Trustees:



ATTEST:

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Tony Carey, Mayor

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Meghan C. Martinez, Town Clerk



Town of Frederick-List of Bills  
March 15, 2014 - April 11, 2014

5280 DIGITAL INC	Board room projector	1,536.35
ACCENT BRANDING SOLUTIONS	Municipal Tickets	771.42
ACE HARDWARE OF FIRESTONE	Supplies	270.80
ADAM FERRE	Reimb. for travel expenses	296.71
ADAMSON POLICE PRODUCTS	Test kits	42.00
AGFINITY	Fertilizers	1,290.53
ALSCO	Public Works Uniforms	339.04
AMERICAN FAMILY INSURANCE	Commercial General Liability Ins.	209.00
AMERICAN LEAK DETECTION OF NORTHERN CO	Municipal Leak Survey	1,000.00
ARCHITECTURAL DESIGN CONSULTANTS INC	Concept design services	21,718.63
ARIELMIS INC	Electric data upload	1,125.00
ARROW OFFICE EQUIPMENT, INC.	Office Supplies	150.54
ARTHOUSE DESIGN	Design & Production	5,500.00
AT&T Mobility	GPS Modem Service	40.29
B&L REPAIR	Vehicle Maintenance	1,025.13
BANK OF AMERICA	Refund Overpayment	523.10
BANNER HEALTH	Exam	159.00
BENEDETTI, PAUL C	Legal Services	1,602.00
BOWMAN CONSTRUCTION SUPPLY	Erosion Control	184.24
BRIAN WALKER	Overpayment for fine	25.00
BRITTNEY GRAHAM	Restitution	60.00
BROWN P.C., KRISTIN NORDECK	Legal services	1,794.00
CARBON VALLEY CAR WASH LLC	Vehicle Maintenance	113.17
CARBON VALLEY PRINTING	Fishing clinic flyers	19.00
CARBON VALLEY RECREATION DIST	2014 Spring Softball Registration	390.00
CARD SERVICES	Supplies	9,089.13
CASELLE, INC.	Contract Support & Maintenance	1,547.00
CENTRAL WELD COUNTY WATER DIST	Water Usage	26,011.50
CENTRAL WELD CTY WATER DIST	Water Taps	90,000.00
CENTURYLINK	Phone Services	48.92
CES (Colorado Accounts - SW)	Supplies	936.90
CHEMATOX LABORATORY INC	Blood tests	60.00
CINTAS CORPORATION	Document Shredding	71.40
CIVIL RESOURCES, LLC	Engineering Services	8,010.00
COLORADO DEPARTMENT OF REVENUE	2009 Payroll Tax	1,166.00
COLORADO DEPARTMENT OF REVENUE	Special Event Tax	194.00
COLORADO MATERIALS INC	Storm water repair	231.88
COLORADO SEAMLESS GUTTERS INC	Contract work	1,476.00
COLORADO WEED MANANGEMENT	2014 CWMA Training	400.00
COMANCHE CREEK	Pest control	217.50
COMCAST CABLE	Internet access	543.15
COMCAST PHONE	Phone Service	260.92
COYOTE RIDGE CONSTRUCTION LLC	Hydrant meter deposit refund	1,939.39
CRA PAYMENT CENTER	Equipment	894.30
CUMMINS ROCKY MOUNTAIN, INC.	Equipment Maintenance	331.00
CUSTOM PRECISION SILKSCREENING	T-shirts	350.00



Town of Frederick-List of Bills  
March 15, 2014 - April 11, 2014

DANA KEPNER CO	Water Meter Supplies	9,770.55
DAVID EGAN	Travel & Training	54.60
DEFALCO CONSTRUCTION COMPANY	WCR 16 sidewalk & drainage repairs	36,106.62
DEPARTMENT OF MOTOR VEHICLE	2014 1st Qtr./W & Default fees	135.00
DEPARTMENT OF PUBLIC HEALTH & ADMIN	Water testing	1,533.00
FAIRFIELD AND WOODS PC	Legal-Water	3,159.26
FAST SIGNS	Maps	421.60
FELSBURG HOLT & ULLEVIG, INC.	Safeway Signal Warrant Study	8,947.57
FREDERICK FIRESTONE FIRE PROTECTION DIST	Blood draws	66.40
FREDERICK HIGH SCHOOL ALUMNI ASSOC.	Donation	100.00
FREEDOM MAILING SERVICES LLC	Utility Bill printing	379.67
FRONTIER BUSINESS PRODUCTS	Copier Supplies	447.53
G & W ELECTRIC COMPANY	Electrical Supplies	54,328.00
G R MAROLT & ASSOCIATES LLC	Park benches	6,423.85
GRAFIX SHOPPE	Downtown Welcome Banners	1,007.15
HALLECK ENTERPRISES	PW Land rent	1,317.00
HOME DEPOT/GEFC	Supplies	460.22
INTERNAL REVENUE SERVICE	Payroll Tax Assessment 2010	40,794.91
IWORQ SYSTEMS	Internet Software and Support	1,272.00
J & S CONTRACTORS SUPPLY CO	Equipment	615.48
JAN BAX	2014 Election Judge	120.00
JEFF CAHN INC	Judge Services	992.25
JEFFERSON COUNTY COURT	Bond Transfer	250.00
JO DIPERNA	2014 Election Judge	120.00
JODI CIARAVOLA	Park Reservation Refund	70.00
JOHN DEERE LANDSCAPES LLC	Crist Park Splash Pad	33,848.53
KENDALL MARTINEZ	2014 Junior Election Judge	30.00
KINSCO LLC	PD Equipment	415.92
L.G. EVERIST INC	Repairs	1,327.68
L.L. JOHNSON DISTRIBUTING COMPANY	Sprinkler heads	855.96
LEUNG, WILLIAM Y	Consulting Services	750.00
LIBERTA HATTEL	2014 Election Judge	120.00
LONGMONT HUMANE SOCIETY	Impound fee	1,190.00
LONGMONT TROPHY & ENGRAVING	Supplies	27.00
LTM DESIGNS	Service award	86.75
MAIN STREET MAT COMPANY	Mat Service	383.64
MIRACLE RECREATION EQUIPEMT CO	Equipment for parks	824.06
MOUNTAIN STATES EMPLOYERS COUNCIL	Training	394.00
NATIONAL ASSOCIATION OF TOWN WATCH	Membership dues for 2014	35.00
NORTH AMERICAN TITLE	Refund Overpayment	74.09
NORTHERN CO. WATER CONSERVANCY DIST.	Transfer of Class B water	5,908.00
NORTHERN COLORADO CONSTRUCTORS INC	Utilities PW Bldg.	145,742.21
NORTHWEST PARKWAY	Travel	8.00
O'REILLY AUTOMOTIVE INC	Vehicle Supplies	401.42
PAT MANGRAVITO	2014 Election Judge	120.00
PET PICK-UPS	Bare Bone Mitts	261.17
PRAIRIE MOUNTAIN PUBLISHING LLP	Publishing	121.16



Town of Frederick-List of Bills  
March 15, 2014 - April 11, 2014

PRE ACTION FIRE INC	Wireless Monitoring/Fire Extinguisher Maint.	1,195.50
PROFESSIONAL LAW ENFORCEMENT TRAINING	Training	125.00
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution & Collection Systems	100.00
RICOH USA INC	Copier	653.64
ROCK PRODUCTS OF COLORADO	Road base	107.62
SAFEGUARD BUSINESS SYSTEMS	Laser Business	287.63
SAFETY & CONSTRUCTION SUPPLY INC	Safety supplies	95.23
SAFEWAY	Training & Supplies	163.93
SAM'S CLUB / GECRB	Office Supplies	192.64
SAMSON LAW FIRM	Fred/Retainer	11,500.00
SCHWARTZKOPF, TYLER	Board Meeting Recordings (2)	50.00
SOURCE GAS	Utility relocates/Gas Usage	4,122.50
SPRADLEY BARR	PD Vehicles	110,944.00
ST VRAIN BLOCK COMPANY	Landscape supplies	322.88
ST. VRAIN VALLEY SCHOOL DISTRICT	Restitution	114.50
STRIGLOS COMPANIES, INC.	Equipment	3,512.00
SYMBOLARTS LLC	Supplies	855.00
THE TREE FARM	2014 tree vouchers	400.00
TIMBERLAN	Network Support & Equipment	9,323.72
TIMES-CALL	2014 Subscription	208.00
TOTAL FACILITY CARE	March Cleaning Services	725.00
TOWN OF FIRESTONE	Softball Tournament	75.00
TRACTOR SUPPLY CREDIT PLAN	Supplies	199.95
TRANSUNION RISK & ALTERNATIVE	Investigations	70.00
TRANSWEST TRUCK	Equipment	56.00
UNITED POWER	Equipment purchase	6,932.42
UNITED STATES POSTAL SERVICE	Postage due account	250.00
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locates	664.02
UTILITY SALES & SERVICE INC	Contract Meter Seals	6,981.46
VALLEY BANK	Appraisal Revision	500.00
VERIZON WIRELESS	Wireless Services	2,070.76
W.L. CONTRACTORS, INC.	Monthly Maintenance Fee	157.50
WARD ELECTRIC COMPANY INC	Electric O & M	13,290.43
WASTE CONNECTIONS OF COLO INC	Trash Collection	36,859.36
WELD COUNTY GOVERNMENT	Communication charges	4,996.00
WELD COUNTY GOVERNMENT	Confinement Charges	51.45
WESTERN UNITED ELECTRIC SUPPLY CORP	Electrical Supplies	17,136.95
WIRELESS ADVANCED COMM, INC.	Equipment repairs	408.75
WRIGHT EXPRESS	Fuel	7,083.00
Grand Totals:		788,563.03





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### REQUEST TO TABLE APPOINTMENT OF CINDY GARRITT TO THE CULTURAL AND PERFORMING ARTS COMMISSION TO MAY 13, 2014

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**Agenda Date:** Town Board Meeting – April 22, 2014

**Attachments:** a. None

**Fiscal Note:** \_\_\_\_\_  
Finance Director

**Submitted by:** Meghan C. Martinez  
Meghan Martinez, Town Clerk

**Approved for Presentation:** Matthew S. Ziegler  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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#### **Summary Statement:**

Staff is requesting the Board table the request for appointment of Cindy Garritt to the Cultural and Performing Arts Commission to the meeting scheduled for May 13, 2014.

#### **Detail of Issue/Request:**

At the April 8, 2014 meeting the Board of Trustees tabled Cindy Garritt's request for appointment to the Cultural and Performing Art to the meeting on April 22, 2014. Ms. Garritt is unable to attend the Board meeting on April 22, 2014. Staff is requesting the Board table the item until the meeting scheduled for May 13, 2014.

#### **Legal/Political Considerations:**

N/A

#### **Alternatives/Options:**



Option A: Do not table the item and determine reappointment immediately.  
Option B: Table the item to the May 13, 2014 Board Meeting.

**Financial Considerations:**

N/A

**Staff Recommendation:**

Staff recommends tabling the item to the May 13, 2014 Board Meeting.





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### Awarding the 2014 Frederick Scholarship

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**Agenda Date:** Town Board Meeting - April 22, 2014

**Attachments:**

- a. Resolution 14R15
- b. Applications from Recommended Applicants

**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

*Meghan C. Martin*  
\_\_\_\_\_  
Town Clerk

**Approved for Presentation:**

*Matthew S. Ziegler*  
\_\_\_\_\_  
Town Manager

Quasi-Judicial

☐ Legislative

☐ Administrative

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**Summary Statement:**

Each year the Board of Trustees awards scholarships in the amount of \$1000 per year for the first four years of college eligibility to one graduating male resident and one graduating female resident.

**Detail of Issue/Request:**

The deadline this year for the Frederick Scholarship was March 31, 2014. Eleven applications were received and reviewed by the Scholarship Commission.

Students are required to submit an application, transcripts, three letters of recommendation and an essay for consideration by the scholarship committee and must exhibit the following qualifications:

1. Graduating senior from an accredited high school or accredited home school program in Colorado.
2. Resident of the Town of Frederick
3. Cumulative GPA of 3.0 and must have taken a college preparatory curriculum



4. Must have excelled in extra-curricular activities such as drama, music, art, student government, athletics, science clubs, etc.

To maintain the scholarship, recipients are required to meet the following criteria:

1. The student must attend an accredited college or university and have a plan to pursue a bachelor's degree. Attending a junior college for the first two years is acceptable.
2. Must achieve at least a 3.0 GPA each year.
3. The Commission will review all continuing students for compliance with GPA requirements and recommend continuation or termination of the scholarship.

**Legal/Political Considerations:**

**Alternatives/Options:**

1. Support the recommendations of the Scholarship Commission
2. Request review of all applicants by the Board of Trustees for consideration.

**Financial Considerations:**

**Staff Recommendation:**

Both applicants meet all the requirements of the Frederick Scholarship. The Commission and staff recommend awarding the Frederick High School Scholarship to Nathan Terrazas and Sabrina Duey.



**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 14R15**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
GRANTING THE 2014 FREDERICK HIGH SCHOOL SCHOLARSHIP  
PROGRAM AWARDS BASED ON THE RECOMMENDATIONS OF THE  
SCHOLARSHIP COMMISSION.**

**WHEREAS**, the Town created an academic scholarship program for graduating seniors from the Town of Frederick attending an accredited high school or accredited home schooling program in Colorado under Ordinance 1127, administered through recommendations of the Scholarship Commission and annual awards made by the Board of Trustees; and

**WHEREAS**, pursuant to Sec. 4-167, Frederick Municipal Code, 1992, as amended, the Scholarship Commission has recommended one graduating female student and one graduating male student for the 2014 Frederick Scholarship Program awards; and

**WHEREAS**, the Town wishes to grant awards to the high school students nominated by the Scholarship Commission.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** The Board of Trustees hereby accepts the nominations of the Scholarship Commission and authorizes the Mayor and the Town Clerk to issue scholarship award funds to the institutions attended by the following students, pursuant to Article VIII, Chapter 4, Frederick Municipal Code, 1992, as amended:

<i>Student</i>	<i>University/College Attending</i>
Sabrina Duey	Colorado State University
Nathan Terrazas	University of Colorado Denver

**Section 2.** Pursuant to Sec. 4-166, Frederick Municipal Codes the students above must meet certain eligibility requirements in order to remain qualified to receive scholarship awards in subsequent academic years under the Town scholarship program, including maintaining a minimum university/college GPA of 3.0.

**Section 3. Effective Date.** This resolution shall become effective immediately upon adoption.

**Section 4. Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.



**Section 5. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 22<sup>nd</sup> DAY OF April, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### Consideration of Appointment to the Frederick Arts Commission

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**Agenda Date:** Town Board Meeting – April 22, 2014

**Attachments:** 1. Application from Tami Showers

**Finance Review:** N/A  
Finance Director

**Submitted by:**   
Town Clerk

**Approved for Presentation:**   
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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#### **Summary Statement:**

There are currently two vacant positions on the Frederick Arts Commission. Appointment of Tami Showers would fill one of the vacant positions.

#### **Detail of Issue/Request:**

The Municipal Code allows for eight members to serve on the Frederick Arts Commission. Currently, there are two vacancies on the Commission.

The responsibilities of the Commission are to administer the Arts in Public Places program and set up and administer juried art shows.

#### **Legal/Political Considerations:**

N/A

#### **Alternatives/Options:**



The Board of Trustees may choose to appoint Tami Showers or not.

**Staff Recommendation:**

Staff recommends appointing Tami Showers to the Frederick Arts Commission.





BOARD, COMMITTEE AND COMMISSION APPLICATION

APPLICATION FOR APPOINTMENT TO: ARTS Commission  
(Name of Board, Committee or Commission)

Name: Tami Showers

Home Address: 6126 GORHAM ST. FREDERICK, CO 80530

Mailing Address: same

EMAIL Address: tami@thecruisincanvas.com Phone: 970-481-8183

Occupation: ARTIST/SALES Employer: SELF/group publishing Phone: 800-635-0404

EDUCATION: Years Completed: 4+ College(s): UNIV. OF AZ Degree(s): BFA, Graphic Design

Special Qualifications for Serving: ACTIVE in my community, AMBASSADOR WITH CARBON VALLEY CHAMBER OF COMMERCE, LOVE OF ARTS

Why do you desire this appointment? I WANT TO GET INVOLVED WITH THE CITY OF FREDERICK & HELP PEOPLE APPRECIATE ARTS IN OUR

How much time are you able to devote to fulfill the obligation of appointment? 5-10 HRS per mo. COMMUNITY.

Do you presently serve on a Board or Commission for any other government entity? NO I ALSO PARTICIPATED

If yes, please list Board and entity: N/A IN FREDERICK FARMERS MARKET &

Where did you hear of this vacancy: The Frederick Report, April HOLIDAY MARKET.

We will keep your application on file for one year from the date of your application. If you are not appointed to this Board/Committee/Commission would you like us to resubmit your application for future vacancies? yes please ☺

Town of Frederick  
Board/Committee/Commission Applicants  
Conflict of Interest Disclosure

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Town Boards and Commission members. A member of a Board/Committee/Commission shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest. Board/Committee/Commission members must not be interested in any contract made in their official capacities; or make by any other body, agency or board of which they are members or employees.

ALL BOARD/COMMITTEE/COMMISSION APPLICANTS

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether or not for profit) that may have business coming before the Board/Committee/Commission for which you have applied? NO

If yes, please describe that interest in the space immediately below (if you need additional space, please attach additional sheets) N/A

If desired, please submit a letter of application or resume with this application

This application is subject to the Colorado Open Records Act and should not be considered confidential.

Signature: Tami D. Showers Date: 4/16/14

Town Clerk's Office Use Only  
Application Received Date: \_\_\_\_\_



# Tami D. Showers 970-481-8183 / lvIndt@msn.com

## Objective

I am interested in representing a reputable and growing community with a mission and vision that I am passionate about. I am motivated by opportunities to extend and grow superior relationships based on honesty and integrity. I am ultimately looking for a 'good fit' position within my community to reach out and meet new people and to help them appreciate The Arts. I desire to make a positive impact with my performance and creativity ensuring ideas and plans tie in to overall city objectives.

I have over twenty years of experience and a variety of successes with people in the areas of Sales, Marketing, Trade Show involvement, and Media Relations. I am proficient in Windows, MS Office Suite, Oracle, CRM and PowerPoint. I am a fast learner, open minded, adapt easily to change and work well in a hands-on capacity. I always pay attention to detail and work well both independently and under pressure. I am self-motivated, creative, politely persistent, organized, have excellent time management skills and excel in the areas of customer service, support and retention. I am active in my community, I have a magnetic personality, a strong faith, and people like me.

## Work Experience

12-2011 to Present      *The Cruisin' Canvas, Frederick, CO*  
**Owner/Artist**

I operate and manage a small business that specializes in bringing my mobile painting studio to people of all ages. I focus on implementing a fun teaching style that creates positive energy and fellowship. I promote creativity through corporate team building events, church groups, family reunions, and celebrations for many other occasions including birthday parties and school activities for youth. Additionally, I work with the elderly sharing joy through art activities at community senior centers and in retirement communities.

3-2010 to Present      *Group Publishing, Loveland, CO*  
**Curriculum Resource Specialist**

I currently market and sell Groups KidMin Conference to/for Children's Ministry Leaders. I was also a trusted advisor developing, nurturing and manicuring relationships with friends in ministry while selling Sunday School Curriculum to the church marketplace in a ten state/\$1.5 million territory. As a Product Champion for one of our 'big four' resources I attended trade shows and helped with set-up, tear-down and all aspects of Curriculum/Resource Sales in the mobile bookstore bi-annually. I am an influential part of keeping up team morale and also enjoy communicating between the Curriculum team and Marketing Department. I investigate, challenge, educate and equip Directors of Ministry with best fit resources for helping their volunteers and teachers to reach people of all ages for Jesus Christ.

5-07 to 3-2010      *Heska Corporation, Loveland, CO*  
**Inside Sales Consultant**

I managed and successfully helped to build and grow a million plus dollar territory. Working as an **Inside Sales Consultant** to clinics in the Veterinary Industry. My responsibilities included consulting with Doctor's of Veterinary Medicine/Techs by phone, fax and email to sell Veterinary Pharmaceuticals, diagnostic blood analyzers and reagents, serum allergy testing, immunotherapy, nutritional supplements, vaccines and point of care testing for optimal companion animal healthcare. I partnered with a Territory Manager that worked out in the field. I consistently met/exceeded goals working well in the team environment.



7-04 to 5-07                      *Media Advertising Sales & Marketing Representative, Northern Colorado*  
**Sales & Business Development**

I served as **Development Director** for a local listener supported Christian radio station... WAY-FM. My job responsibilities include marketing the station through trade shows and community fund raising events. I called on new and existing contacts in an Outside Sales role to build relationships and maximize donations through business support and non-commercial radio announcement opportunities. Additionally, I worked with local businesses **Marketing and Selling Print Advertising** for *Lydia's Style Magazine*. I was often responsible for coordinating sales support materials including generation of prospecting lists and direct mail materials, updating media kits and distributing product samples packets. I also generated support for a local annual fundraising event, *Hope Lives*, which nurtures and comforts women battling breast cancer.

5-00 to 7-04                      *McGraw-Hill Construction, Phoenix, AZ*  
**Sales Representative**

My position with McGraw-Hill Construction, *Southwest Contractor Magazine* was in sales and marketing as a **Territory Manager** with accounts in AZ, NV, and NM. I traveled every 4-6 weeks for 3-4 days at a time selling print display and website advertising for a monthly, 4-color, glossy publication. I developed and maintained great customer relationships and helped to develop annual marketing plans with contractors, sub-contractors, architects, engineers, suppliers, owners and developers via the web, phone, and in person. I was also responsible for attending industry trade show events to market McGraw-Hill print products. Often times I was involved in the setup and tear down of exhibit structures, materials and signage preparation. I consistently met goals and worked well with the team. I belonged to several building industry associations and used networking as a valuable resource for building new relationships. I often acted as my own sales support, generating and distributing marketing materials on a monthly basis. I enjoyed partnering with individuals and teams in the construction industry while growing a valuable product and trade resource.

7-98 to 4-00                      *AZ Business Magazine, Home & Building Expo, Phoenix, AZ*  
**Sales Representative**

My Position with AZ Business Magazine was as a statewide **Territory Manager** and tradeshow support team member. *AZ Business Magazine* is a bi-monthly, 4-color, glossy, business-to-business publication. I established and maintained display advertising accounts. I helped clients to develop marketing plans including *AZ Business Magazine* in their media mix. This publication as a whole worked with many industry associations and we were active in many different sectors of the Phoenix market including, but not limited to Healthcare, Technology, Commercial Building, Hospitality and Interior Design. I was also a key player on our trade show team in overseeing business development for our annual Home and Building Expo. I sold booths to clients all year long and was a key player with setup and tear down for the trade show. I worked in the company booth to prospect and help build new relationships during the event.

1-93 to 6-98                      *AlphaGraphics Printshops, Scottsdale, AZ*  
**Sales Representative**

I joined *AlphaGraphics* immediately after graduating from college. I started at the counter taking orders and rapidly grew with the company as an **Art Director**, **Production Coordinator**, and eventually went into **Outside Sales** as one of the first Field Sales Representatives in the Scottsdale territory. I sold custom products, including letterhead, business cards, envelopes, brochures, and many other custom print jobs to individuals and businesses in a variety of industries. I worked efficiently via phone, email, and in an outside sales capacity helping to build and grow lasting client relationships.

Education                      **BFA, Graphic Design**

1987 - 1992                      *University of AZ. Tucson, AZ*





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### To Consider Appointing Jill McNally and Andy Calmeyn to the Planning Commission

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**Agenda Date:** April 22, 2014

**Attachments:**

- a. Application from Jill McNally
- b. Application from Andy Calmeyn

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Jennifer Simmons  
Planning Director

**Approved for Presentation:** \_\_\_\_\_  
  
☐ Quasi-Judicial      ☐ Legislative      ☒ Administrative

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#### **Summary Statement:**

Applications have been received from Jill McNally and Andy Calmeyn.

#### **Detail of Issue/Request:**

The Planning Commission has six regular (voting) members and two (non-voting) alternates. There are currently two regular member positions vacant. The attached applications were recently received and are presented for your consideration.

#### **Legal/Political Considerations:**

Not Applicable.

#### **Alternatives/Options:**

The Board of Trustees may choose whether or not to appoint Ms. McNally and Mr. Calmeyn to serve on the Planning Commission.



**Financial Considerations:**

Not Applicable.

**Staff Recommendation:**

Staff defers to the Board of Trustees.





BOARD, COMMITTEE AND COMMISSION APPLICATION

APPLICATION FOR APPOINTMENT TO: Planning Commission

(Name of Board, Committee or Commission)

Name: Andy Calmeyn

Home Address: 5893 E. Conservation Dr, Frederick, CO 80504

Mailing Address: Same as above

EMAIL Address: andy.calmeyn@gmail.com

Phone: 720-352-6515

Occupation: Engineering Technician (Electrical)

Employer: Microsemi- Boulder

Phone: 720-352-6515

EDUCATION: Years Completed: 2yrs College(s): DeVry Degree(s): Assoc. of Applied Science-Electronic

Special Qualifications for Serving: Detail oriented, creative, strong problem solver, ability to effectively articulate ideas

Why do you desire this appointment? I would like to help shape the community where I plan to raise my two children so that it's a place they and other families enjoy and will want to raise their families.

How much time are you able to devote to fulfill the obligation of appointment? Approx 4 hours monthly, possibly more as needed

Do you presently serve on a Board or Commission for any other government entity? No

If yes, please list Board and entity: N/A

Where did you hear of this vacancy: Wife informed me of the opening (saw posted online)

We will keep your application on file for one year from the date of your application. If you are not appointed to this Board/Committee/Commission would you like us to resubmit your application for future vacancies? Yes

Town of Frederick  
Board/Committee/Commission Applicants  
Conflict of Interest Disclosure

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Town Boards and Commission members. A member of a Board/Committee/Commission shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest. Board/Committee/Commission members must not be interested in any contract made in their official capacities; or make by any other body, agency or board of which they are members or employees.

ALL BOARD/COMMITTEE/COMMISSION APPLICANTS

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether or not for profit) that may have business coming before the Board/Committee/Commission for which you have applied? No

If yes, please describe that interest in the space immediately below (if you need additional space, please attach additional sheets)

If desired, please submit a letter of application or resume with this application

This application is subject to the Colorado Open Records Act and should not be considered confidential.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town Clerk's Office Use Only  
Application Received Date: \_\_\_\_\_





BOARD, COMMITTEE AND COMMISSION APPLICATION

APPLICATION FOR APPOINTMENT TO: TOWN OF Frederick PLANNING Commission  
(Name of Board, Committee or Commission)

Name: Jill McNally  
Home Address: 5510 Pibto St.  
Mailing Address: Frederick, Co. 80504  
EMAIL Address: jill15@spcglobal.net Phone: 303-718-3949  
Occupation: Landscape Designer Employer: Self Employed Phone: \_\_\_\_\_  
EDUCATION: Years Completed: 12 College(s): 37 Degree(s): Bach. Landscape Arch.  
Special Qualifications for Serving: - Construction / Arch - Background (completion 2015)  
Habitat For Humanity - 8 yrs. / Building Committee  
Why do you desire this appointment? I am currently an alternate commissioner.  
I want to assist the Town to grow properly for its residents.  
How much time are you able to devote to fulfill the obligation of appointment? Monthly meetings / Summer  
Do you presently serve on a Board or Commission for any other government entity? Yes  
If yes, please list Board and entity: PLANNING Commission Alternate  
Where did you hear of this vacancy: P.C. meetings

We will keep your application on file for one year from the date of your application. If you are not appointed to this Board/Committee/Commission would you like us to resubmit your application for future vacancies? \_\_\_\_\_

Town of Frederick  
Board/Committee/Commission Applicants  
Conflict of Interest Disclosure

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Town Boards and Commission members. A member of a Board/Committee/Commission shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest. Board/Committee/Commission members must not be interested in any contract made in their official capacities; or make by any other body, agency or board of which they are members or employees.

ALL BOARD/COMMITTEE/COMMISSION APPLICANTS

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether or not for profit) that may have business coming before the Board/Committee/Commission for which you have applied? NO

If yes, please describe that interest in the space immediately below (if you need additional space, please attach additional sheets)

If desired, please submit a letter of application or resume with this application

This application is subject to the Colorado Open Records Act and should not be considered confidential.

Signature: Jill McNally Date: 4/16/14

Town Clerk's Office Use Only  
Application Received Date: \_\_\_\_\_





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### Public Hearing to Consider Amendments to Articles 1 and 2 of the Land Use Code

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**Agenda Date:** April 22, 2014

**Attachments:**

- a. Proposed Amendments to Section 1.15
- b. Proposed Amendments to Section 2.7
- c. Proposed Amendments to Section 2.8
- d. Proposed Amendments to Section 2.11
- e. Proposed Amendments to Section 2.14
- f. Proposed Amendments to Section 2.15
- g. Proposed Amendments to Section 2.17
- h. Proposed Amendments to Section 2.18
- i. PCR-2014-02A
- j. Ordinance 1167

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Jennifer Simmons  
Planning Director

**Approved for Presentation:** \_\_\_\_\_  
  
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

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#### **Summary Statement:**

Articles 1 and 2 have had amendments drafted based on new State laws, direction from the Board of Trustees, direction from Planning Commission, and a few minor clean-up items.

#### **Detail of Issue/Request:**

Amendments to Land Use Code Articles 1 and 2 have been drafted. Specific amendments are contained in the attachment to this report. A summary of the amendment topics is provided here.



- 1.15 Definitions – Addition of definitions for Archery Range, Assisted Living Facility, Crematorium, Pervious Surface, Shooting Range and minor clarifications within existing definitions.
- 2.7 Streets – Clarification on intersection spacing language.
- 2.8 Parking – Updated dimensions that were mistakenly missed with last update and updated American with Disability (ADA) standards on widths of access lane.
- 2.11 Parks and Open Space – Change on calculation of needed parks and open space from net to gross.
- 2.14 Landscaping – Added a clause to require a minimum of 20% pervious surface on residential lots.
- 2.15 Buffering and Screening – Fixed a typo.
- 2.17 Residential Architectural Standards – Restricted the use of metal and clear span buildings.
- 2.18 Commercial Architectural Standards – Further clarified the use of primary colors in commercial and industrial applications.

#### **Review Criteria:**

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The amendments are proposed with the following intent:

Amended Definitions within Article 1.15	To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code.
Updated Street intersection spacing in Article 2.7	To correct a manifest error in the text of this Code.
Updated dimensions of parking spaces in Article 2.8	To correct a manifest error in the text of this Code.
Updated calculation of parks and open space in Article 2.11	To correct a manifest error in the text of this Code.
Correction in Article 2.15	To correct a manifest error in the text of this Code.
Changes to Article 2.17 related to the types of buildings allowed in a residentially zoned area.	To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code.
Changes to Article 2.18 to better address the use of primary colors.	To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff.

#### **Planning Commission:**

The Planning Commission considered the proposed amendments at the Commission meeting held April 1, 2014. The amendments contained any edits suggested by the Commission from the meetings held both February 18, 2014 and March 18, 2014. The Commission voted unanimously to recommend approval of the proposed amendments with PCR-2-14-02A (attached).

#### **Public Notice:**

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

#### **Legal/Political Considerations:**



All revisions to the Land Use Code have been reviewed by the Town Attorney.

**Alternatives/Options:**

The Board of Trustees may approve the amendments, deny the amendments, or approve the amendments with conditions.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff recommends approval of the amendments to the Land Use Code with the attached resolution and ordinance.



### 1.15 Definitions.

1. Terms used in this Code are defined as follows:

Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

Accessory dwelling means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. In the Agriculture and Estate Residential Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one half (1/2) the total floor area of the primary residence. In the R-1 and R-2 Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one thousand (1,000) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (1/2) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

Accessory use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot as that of the main structure, building or use. If the use is called out specifically in the table of permitted uses (Table 3-1), the requirements of the table apply.

Adjacent means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

Adjacent property owner is an owner of record of any estate, right, or interest in real property abutting the subject property.

Administrative official means any employee who has the authority to approve or deny a land use decision, including but not limited to, land use applications and building permits.

Adult-oriented use means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to *specified sexual activities* or *specified anatomical areas* as the primary attraction to the premises, including, but not limited to:

- a. Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

- b. Adult bookstore or adult video store means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing, or relating to specified sexual activities or



specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten percent (10%) of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

c. Adult cabaret means a nightclub, bar, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity;
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

d. Adult motel means a hotel, motel, or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

e. Adult motion picture theater means a business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

f. Adult photo studio means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing *specified anatomical areas*.

g. Adult theater means a theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

h. Peep booth means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

i. Private room means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

j. Sexual encounter establishment means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.



k. Sexually oriented business means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

l. Specified anatomical areas means:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

m. Specified sexual activities means acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals, or excretory function.
5. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.

n. Stage means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

Agricultural activity means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. The application of fertilizers, herbicides, and pesticides is incidental to this activity.

Agricultural land means land that is being used for agricultural activities.

Agritainment means a for-profit business operation, located and operated on an agricultural property. The business provides educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agritainment business include but are not limited to:



1. Animal petting zoo and farm animal centers
2. Community event
3. Concessions
4. Country store/craft shop
5. Cultural or special events and religious festivals
6. Educational activities and programs
7. Farm tours
8. Farmers market
9. Farm-life activities and entertainment
10. Thematic vacations or events

Alley means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration means any change, addition or modification in construction, occupancy or use.

Animal boarding means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Animal unit means the number of animals grouped together to be counted as one unit. Animal units are calculated based on the following chart:

Livestock	Animals per Animal Unit
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	3
Poultry	50
Other livestock	1

Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

Appurtenances means the visible, functional, or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Arcade is a series of arches supported on piers or columns.

Archery range means a facility where only bows and arrows may be used for target practice.

Area of lot means the total horizontal area within the lot lines of a lot.

Artisan studio and gallery means the workshop or studio of an artist, craftsperson, sculptor, or photographer, which workshop is primarily used for on-site production of unique custom goods through the use of hand tools or small-scale equipment, and only incidentally used, on an infrequent basis if at all, as an accessory gallery or for incidental sales.

Assisted living facility means a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may have a central or



private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy-truck-oriented motor vehicles, trailers, and similar large mechanical equipment, including paint, body, and fender and major engine and engine part overhaul, provided that it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline, or petroleum products.

Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light-truck-oriented motor vehicles, trailer, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing, or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Awning means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

Awning sign means a wall sign which is painted, stitched, sewn, or stained onto the exterior of an awning.

Backyard chicken shall mean an accessory use in conjunction with an established single-family residence. A backyard chicken includes only hens. Roosters are not permitted as backyard chickens.

Bar **or** tavern means an establishment providing or dispensing fermented malt beverages and/or malt, vinous, or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary.

Beacon, revolving means a rotating source of light.

Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Blank wall means an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board of Trustees (Board) means the governing board of the Town of Frederick.

Boarding and rooming house means a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services, or other things of value.

Brewery means an industrial use with appropriate state liquor licensing, that is primarily a manufacturing facility, where malt liquors are manufactured on the premises. Breweries may, but are not required to, include a tap room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing. The term "brewery" as used in this code includes both



regional breweries, which produce between 15,000 and 6,000,000 barrels per year; and large breweries, which produce more than 6,000,000 barrels per year.

Brewpub means an establishment that is primarily a restaurant where malt, vinous and/or spirituous liquors (beer, wine or hard liquor) are manufactured on the premises as an accessory use, primarily for sale and consumption on premises. A brewpub may distribute its products off-site as consistent with state law. Establishments that do not contain a restaurant component as the primary use are considered microbreweries, microwineries, or microdistilleries and are subject to different regulations. Regardless of the presence of a restaurant component, establishments that exceed the maximum production limits for microbreweries, microwineries, or microdistilleries are considered breweries, wineries or distilleries and are subject to different regulations.

Also see definitions and regulations for restaurants, microbreweries, microwineries, microdistilleries, breweries, wineries, and distilleries.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

- a. Is permanently affixed to the land.
- b. Has one (1) or more floors and a roof.

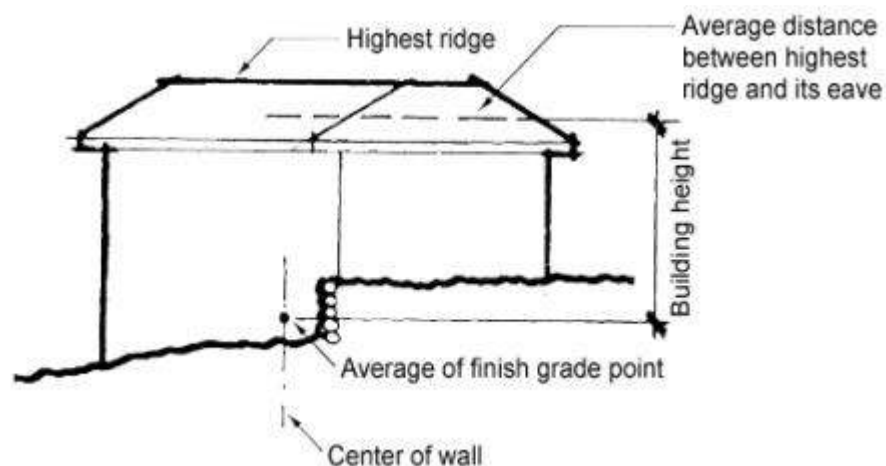
Building code means the set of standards that must be followed in the construction and remodeling of buildings and structures. Contact the Building Division for more information.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, parking area, mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

**Figure 1-1**

**Building Height Measurement**





Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Cash-in-lieu means that the applicant, at the option of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is unacceptable. The payment shall comply with the following requirements unless otherwise provided for this Code.

a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.

b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.

c. A proportionate amount of this value shall be assigned to any parcels or properties requested by the Town for public use.

d. Minimum payment for cash-in-lieu of land dedication shall be five hundred dollars (\$500.00) for any required dedication.

e. Combination of dedication and cash-in-lieu:

1. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is unacceptable.

2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Child care center means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four (24) hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not



include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three (3) or more children pursuant to Colorado Revised Statutes but that is providing care for three (3) or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

Child care, in-home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Child care, in-home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. Section 26-6-106(2)(p).

Church or place of worship and assembly means a building containing a hall, auditorium, or other suitable room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues, or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Cohesive means having a natural or logical agreement of parts connected, as in a cohesive neighborhood.

Commercial mineral deposits means oil, gas, gravel, and other natural deposits that may be extracted from a property for economic benefit.

Commercial vehicle means any vehicle used for any commercial or business purpose and includes, but is not limited to, any trailer used for commercial or business purposes. Excluded from this definition is any passenger vehicle, with or without an attached trailer, used for any commercial or business purpose, the total or combined length of which does not exceed twenty-five (25) feet (as measured from extreme front bumper to extreme rear bumper).

Common equestrian stabling and grazing means shared pastures and/or common barns for horses in a rural subdivision which is owned and maintained by a homeowners' association.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents of the subdivision.

Community Design Principles and Development Standards means the standards in this Code set forth in Article 2.



Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community as a whole.

Compatibility means the characteristics of different uses, activities, or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. *Compatibility* does not mean *the same as*. Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Frederick Comprehensive Plan.

Compressed gravel means gravel used for construction purposes that meets current Town standards. Contact the Engineering Department for more information.

Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Connecting walkway means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

Conservation easement means a legal document created pursuant to C.R.S. Section 38-30.5-101 et seq., which restricts the development rights of property in perpetuity and permits the property to be used only for the conservation purposes permitted in C.R.S. Section 38-30.5-101 et seq., Section 170(h) of the Internal Revenue Code, and the Treasury Regulations adopted under Section 170(h).

Container (a/k/a cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car, or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid, or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet, or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet (6) six inches in height.

Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

Crematorium or crematory means a place where human or animal remains are reduced to ashes.

Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.



Crosswalk means a pathway marked off for pedestrians to cross a street.

Cul-de-sac means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

Cultural assets means buildings, locations, and other features considered historically or socially significant to the community.

Dedicated land means land transferred to the Town by platting, title, deed, or other legal method approved by the Town Attorney.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards means the standards that set forth specific improvements requirements.

Detention basin means a man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man-made outlets.

Developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling, or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid, or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.



Development shall not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals, or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior, the color of the structure, or the decoration of the exterior of the structure;
- d. The use of any land for an agricultural activity;
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a planned unit development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; and common open space and other public facilities.

Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

Distillery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. Distilleries may, but are not required to, include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

Downtown means the original business district of the Town.

Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

Drive-in use (also Drive-up and Drive-through) means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.



Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses, and similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including a mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use building.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color, and overall stylistic expression.

Employees means the total number of persons to be employed in a building during normal periods of use.

Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances.

Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- b. Any unrelated group of persons consisting of:
  1. Not more than three (3) persons;
  2. Not more than two (2) unrelated adults and their children, if any; or
  3. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.



Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment, including but not limited to roosters, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, and mules.

Feedlot means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FEMA means the Federal Emergency Management Agency.

FHA means the Federal Housing Administration.

Financial institutions includes the following types of businesses: banks including savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, and insurance agents.

Floodplain or flood hazard area means an area which has been designated by the Board of Trustees, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

Flood-prone means an area subject to flooding which has not been designated by the Board of Trustees, the Colorado Water Conservancy Board, or FEMA.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages, or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Floor Area Ratio (*FAR*) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Food catering means a business in which the principle use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

Food product production means an establishment in which the principal use is the production of food products on the premises to be sold on the premises and may or may not be consumed on the premises. Examples of this type of establishment include but are not limited to bakeries, candy shops, ice cream shops, and pet treat shops.

Footprint, also called *ground level footprint*, means the outline of the total area which is covered by a building's perimeter at ground level.

Foster care home means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground, or which is erected on the ground,



and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat, or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Funeral home means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.

Gable means the triangular portion of a wall enclosing the end of a pitched roof from cornice or eaves to ridge.

Gasoline station means any building, land area, premises, or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where major automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.

Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Grade means:

a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Grocery store, large means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with *supermarket*.

Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

Gross square footage (*GSF*) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Group home, developmentally disabled means a group home licensed by the State for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.



Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

a. Nonprofit group home means a group home for the aged which is owned and operated by a person or organization as provided by C.R.S. Section 31-23-303.

b. Owner-occupied group home means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

Group home, mentally ill means a group home licensed by the state for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities. See also *accessory building and accessory dwelling*.

Health club means a facility that provides physical fitness services and/or equipment to its members.

Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.

Historic district means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.

Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Home occupation means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.

Homeowners' association (HOA) means the association set up to enforce the covenants and maintain all common areas and buildings for a development, also known as *owners' association*.

Horticulture means the growing of fruits, vegetables, herbs, flowers, or ornamental plants.

Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training, and central services facilities and staff offices.

Hotel, motel, or lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

I-25 Corridor and Highway 52 Corridor means the area within one thousand five hundred (1,500) feet of the rights-of-way of Interstate Highway 25 and State Highway 52.

Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.



Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. *Heavy industrial* shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole, organized, or structured so that constituent parts function cooperatively.

Inter-neighborhood connections means connections (such as trails and roads) between neighborhoods.

Intra-neighborhood connections means connections (such as trails and roads) within the same neighborhood.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Junk means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk.



Junkyard means an industrial use contained within a building, structure, or parcel of land, or portion thereof, used for collecting, storing, or selling wastepaper, rags, scrap metal, or discarded material, or for collecting, dismantling, storing, salvaging, or demolishing vehicles, machinery, or other material and including the sale of such material or parts thereof. *Junkyard* shall not include a recycling facility.

Kennel means a facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, training, or selling of animals is conducted as business.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, or the preservation, protection and replacement of existing trees.

Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

Lighting, indirect, when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

Limited indoor recreation facility means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video, and pinball parlors.

Limited outdoor recreation facility means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.

Livestock means domestic animals kept or raised for use, pleasure, and/or profit.

Long-term care facility means any of the following:

a. Convalescent center means a health institution that is planned, organized, operated, and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. Intermediate health care facility means a health-related institution planned, organized, operated, and maintained to provide facilities and services which are supportive, restorative, or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury, or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

c. Nursing care facility means a health institution planned, organized, operated, and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury, or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and



maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

Lot means a designated parcel, tract, or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Machine shop means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- c. Is permanently affixed to and installed on an engineered permanent foundation;
- d. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and
- e. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

Manufacturing means a business which makes products by hand or by machinery.

Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

Medical marijuana center is defined as a person licensed to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.



Medical use of marijuana means the acquisition, possession, production, use, or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician or physicians, as defined in Colorado Constitution Art. XVIII, Sec. 14.

Medical marijuana center is defined as a person licensed to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

Medical marijuana-infused product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the "Colorado Food and Drug Act", Part 4 of Article 5 of Title 25, C.R.S.

Meeting place and place for public assembly means a hall, auditorium, or other suitable room used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions, or the like.

Membership club means an association of persons, whether incorporated or unincorporated, for some common purpose, excluding groups organized primarily to render a service carried on as a business, a not-for-profit club, and churches or places of worship or assembly.

Microbrewery shall mean a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site. Microbrews may sell their products off-site, but must also include a taproom in which guests/customers sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Microdistillery shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. Microdistilleries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Microwinery shall mean a facility that produces no more than two hundred and fifty thousand (250,000) gallons per year of vinous beverages on site. Microwineries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased to the general public for private storage of personal goods, materials, and equipment.

Mixed use shall mean the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.



Mixed-use building means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service, or entertainment uses.

Mixed-use dwelling unit means the dwelling unit in a mixed-use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (1/2) dwelling unit.

Mobile home means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:

- a. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
- c. Has a pitched or cosmetically equivalent roof and brick or wood exterior siding; and
- d. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.

Mullion means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects or, also, a vertical member between the lights of a window.

Multiple-family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels, condominiums, fraternity and sorority houses, and similar group accommodations.

Municipality means an incorporated city or town.

Muntin means a rabbeted member for holding the edges of windowpanes within a sash.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (1/4) acre in size.

Neighborhood means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A neighborhood may



include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Neighborhood commercial center means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Off-street parking area means all off-street areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat, or truck storage use, storage areas for landscaping, and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Old Town means the original Town of Frederick located south of First Street, west of Maple Street, north of Eighth Street and east of Main Street.

Open air farmers market means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths on-site.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas, and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological, or historical significance. *Open space* shall not be considered synonymous with vacant or unused land, but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Optional premises means the premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution..

Outdoor display means the display of products for sale outside a building or structure in areas which customers have access to, including vehicles, garden supplies, tires, boats and aircraft, farm equipment, motor homes, burial monuments, building and



landscape materials, and lumber yards. *Outdoor display* areas in vehicular parking areas shall not impede access, encroach into the required setbacks, or reduce the number of required parking spaces.

Outdoor storage means the keeping, outside a building, of any equipment, goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites. *Outdoor storage* shall not include the storing of junk or the parking of inoperable motor vehicles.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An *outlot* may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parapet means a low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational, or scenic purposes.

Parking garage means an off-street parking area within a building.

Parking lot means an off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Pergola means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops excluding publishing and engraving.

Pervious surface means a surface that allows precipitation to infiltrate directly into the ground.

Phase means a portion of property that is being platted and engineered for development at the same time.

Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

Plan means the map and supporting documentation for a development, which includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.

Planned unit development (*PUD*) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries, and associated uses. Planned as a single entity, the project is subject to development



and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning area boundary means the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is delineated on the *Town of Frederick Comprehensive Plan Land Use Map*.

Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers, or other plants for sale or for transplanting.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and C.R.S. Section 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary caregiver means a person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. HB 10-1284 allows a primary caregiver to grow/sell marijuana for up to five patients. Primary caregivers shall be licensed with the local licensing authority and State pursuant to the Colorado Medical Marijuana Code.

Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Print shop means an establishment in which the principle business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving, excluding businesses providing copy services and that fall under *Personal and business service shops*.

Private school means a school that is established, conducted, and primarily supported by a nongovernmental agency.

Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

Property means all real property subject to land use regulation by the Town.



Property line means the boundary of any lot, parcel, or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

Property rights mean the rights a property owner within the Town has to use his or her property within the legal parameters set forth in this Code.

Public areas means streets, parks, open spaces, and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body, or a special district as defined in C.R.S. Section 32-1-10.

Public facilities means those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions. Notice of a public hearing shall be posted/published fifteen (15) days prior to the hearing.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the municipality, state, county, or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by any nuisance or hazards to the public.

Public school means a free, tax-supported school that is controlled and operated by or contracted with the St. Vrain Valley School District.

Public use means a use which is owned by and operated for the public by the Town, County, state, or federal governments, school districts, recreation district, or other special district as defined by Title 32 of the Colorado Revised Statutes.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service, or similar public services, but shall not include railroads, other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Quasi-public means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Recreational vehicle (RV) means any vehicle which may be used for recreation or personal purposed and shall include, but not be limited to a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade. Recreational vehicle includes any trailer used to transport any recreational vehicle(s). ~~Additionally~~Additionally, the following shall be considered a *recreational vehicle*:

a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.



b. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle.

c. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

d. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials.

e. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.

f. Travel trailer, self-contained means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle storage facility means a parcel of land specifically developed for locating, storing, displaying, or selling recreational vehicles.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling facility means a building used for the collection and/or processing of recyclable material. *Processing* shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Registry identification card means that document, issued by the State Department of Public Health, which identifies a patient authorized to engage in the medical use of marijuana and such patient's primary care-giver, if any has been designated.

Research laboratories means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Resource extraction, processes, and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. The term shall also apply to any processing or reprocessing, packaging, or sale of renewable energy through passive or active means, including but not limited to solar, wind, and hydro-turbine power generation, processing or storage.

Restaurant, drive-in or drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.



Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.

- a. Food and beverages are usually served in paper, plastic or other disposable containers;
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
- c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations.

Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Also see definitions and regulations for brewpubs, microbreweries, microdistilleries, microwineries, breweries, wineries, and distilleries.

Resubdivision or replat means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retail establishment, large means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods, except that no *supermarket* shall be deemed to be a large retail establishment.

Retail establishment, small means an establishment, or any combination of retail establishments in a single building, occupying twenty-five thousand (25,000) or less gross square feet of floor area devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.

Retention basin means a pond, pool, or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other



use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Roof, gable means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

Rural road means a street designed following the rural local cross-section as described in approved version of the Town of Frederick Design Standards and Construction Specifications, December 13, 2007.

Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks, and drinking fountains, and the service buildings containing these units.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

School means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. *School* does not include "child/day care centers" but includes the following more specific uses: *public school, private school*, business, vocations, and trade schools.

Searchlight means an apparatus used to project a beam of light.

Senior housing means housing intended and operated for occupancy by persons fifty-five (55) years of age or older as further defined by the US Fair Housing Act and Housing for Older Persons Act of 1995.

Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

Setback, front yard means the distance a building or structure must be placed from the front lot line.

Setback, rear yard means the distance a building or structure must be placed from the rear lot line.

Setback, side yard means the distance a building or structure must be placed from the side lot line.

Shooting range means an area or structure specially designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice.

Shooting range, indoor means the an indoor area designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice.

Shooting range, outdoor means the use of land designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.



Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sight distance triangle means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. Further definition is provided in the approved version of the Town of Frederick Design Standards and Construction Specifications, December 13, 2007.

Sign, canopy means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Sign, projecting means any sign supported by a building wall and projecting therefrom.

Sign, wall means any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

Sign, window means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing and/or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 5 of this Code.

Special school means places of education for all types of activities including martial arts, dance, instruction to play a musical instrument, or other similar personal skill instruction.

Special use means a use which follows the process of an administrative application, but that has special requirements that must be met in order for consideration of approval. Article 9 outlines the specifications for a special use.

Split garages means having at least two (2) separate garages that are oriented in different directions.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.



Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture, and signage.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

Supermarket means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.

Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.

Tandem garage means a garage that allows for the parking of one (1) car in front of another.

Tandem parking means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

Tavern means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous, or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Temporary use means a prospective use intended for limited duration and to be located in a zoning district that may or may not permit such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way, or liens.

Tourist facility means an establishment set up to primarily provide local tourist information to visitors.

Town of Frederick Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. Section 31-23-206, to guide the future growth, protection, and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.

Transit facilities means facilities such as bus stops, bus terminals, transit stations, transfer points, or depots.

Tree lawn means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.



Trip means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Truck stop means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews.

Undermining means land that has been mined under the surface of the ground.

Usable form of marijuana means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use as provided in Colorado Constitution Art. XVIII, Sec. 14, but excludes the plant's stalks, stems, and roots.

USGS datum means the United States Geological Survey basis of elevations.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees shrubs, vines, grasses, and groundcover.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this Code.

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary facilities, large animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are not limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases.

Walkable means a distance of one-quarter (1/4) mile or within a five- to ten-minute walk.

Walkway means:

a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.

b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business which stores or stocks merchandise or commodities.



Winery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than one hundred thousand (100,000) gallons per year of vinous beverages on site. Wineries may, but are not required to, include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services, or cellular telephone.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Zone district means an zone-district area that is governed by standardized zoning regulations of the Town as established in Article 3 of this Code, ~~unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town and the zone districts of an adjoining governmental jurisdiction; also referred to as zoning district.~~

Zoning map means the official zoning map adopted by the Town by ordinance, as amended. (Ord. 1145 §§ 1, 2 (Exh. A), 2013)



## 2.7 Streets.

1. Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment. In the ~~recent~~ past, streets have been designed primarily to promote the efficient movement of traffic

2. General provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, and consider the use by all modes of transportation that will use the system. Streets should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. All streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles, and pedestrians.

a. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the intent of the approved *Transportation Map* of the Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town. Street intersections shall be separated by ~~not less than one hundred twenty five (125) feet~~ distances listed in Section 2.I below as measured from the intersecting right-of-way lines.

b. Tree-lined streets. All streets shall be lined with trees on both sides with the exception of rural roads and alleys.

c. Street layout. The street layout shall form an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic-calming features within and adjacent to residential areas shall be utilized when appropriate. To the greatest extent possible, streets shall be designed to have a maximum length of seven hundred (700) feet, from intersection to intersection.

d. Controlling street access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

e. Visibility at intersections.

(1) No shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height shall be planted, created or maintained at street intersections within the site distance triangle, as defined in the Design Standards and Construction Specifications, Town of Frederick, December 13, 2007.

(2) Trees shall not be planted in the site distance triangle, as defined in the Design Standards and Construction Specifications, Town of Frederick, December 13, 2007.

f. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals, and mid-block crossings may be required.



(1) Blocks exceeding five hundred (500) feet in length shall provide a pedestrian and bicyclist access route through the center of the block.

g. Horizontal alignment. Please refer to Section 502 in the Design Standards and Construction Specifications, Town of Frederick, December 13, 2007.

h. Vertical alignment. Please refer to Section 503 in the Design Standards and Construction Specifications, Town of Frederick, December 13, 2007.

i. Access.

(1) Access to all subdivisions shall be from a public street system.

(2) Each new subdivision shall have at least two (2) means of access to the subdivision from the public street system. The two (2) means of access shall separately connect to the public street system.

(3) Private/individual driveways shall not be permitted to have direct access to collector streets, arterial streets, or state highways.

j. Street right-of-way dedication. The full width of right-of-way for all public streets being platted must be dedicated to the Town. In cases where the perimeter streets have a portion of the proposed right-of-way on an adjacent property, the following standards will apply:

(1) The subdivider shall either:

(a) Purchase the other one-half (1/2) of the proposed right-of-way property for the Town at the appraised fair market value and then dedicate the right-of-way to the Town; or

(b) If the landowner of the proposed right-of-way property is unwilling to sell the proposed right-of-way property to the subdivider for its appraised fair market value, the subdivider shall pay for the cost of an appraisal for the proposed right-of-way property and legal fees for the Town Attorney to complete the condemnation process.

(2) The subdivider shall finalize an agreement with the Town which guarantees the construction of the street to Town standards.

k. Perimeter streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat.

l. Intersections. Intersections shall meet the following requirements unless otherwise approved by the Board of Trustees:

(1) Intersections shall be provided at the following minimum offsets:

(a) State highway (principal arterial): In accordance with the latest edition of the Colorado State Highway Access Code;

(b) Arterial: Six hundred sixty (660) feet;

(c) Collector: Two hundred fifty (250) feet;

(d) Local: One hundred twenty-five (125) feet.

(2) No more than two (2) streets shall intersect at one (1) point unless connected using an approved roundabout.

(3) Streets shall intersect at ninety-degree angles unless connected using an approved roundabout.

m. Street names.

(1) Names of new streets shall not duplicate names of existing streets. However, new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets.



(2) Street names shall follow the requirements of the Municipal Code, Chapter 11, Article III, Section 11-57.

n. Street standards. The width of street right-of-way and the design of the street it contains shall conform to the minimum standards outlined in the Town of Frederick Design Standards and Construction Specifications, December 13, 2007. However, additional right-of-way and street width may be required based upon special development requirements, including but not limited to additional parking needs, sight distances, and requirements for auxiliary lanes. Street cross-sections and the street designation (arterial, collector, local, rural local) within or adjacent to a development may be modified by the Town upon the recommendation of an approved development traffic study or Town-wide Transportation Master Plan.

(1) General design standards.

(a) The maximum length of a cul-de-sac is identified in the International Fire Code.

(b) No outlet (Dead End) streets are prohibited.

(c) Driveway curb cut width is limited to:

i A maximum of thirty (30) feet in residential zones.

ii A maximum of thirty-eight (38) feet in non-residential zones.



**2.8 Parking.**

1. Intent. The intent of this Section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.
2. General provisions.
  - a. In all zone districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees, and patrons of the building or structures hereafter erected, altered, or extended shall be provided and maintained as herein prescribed.
  - b. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete, or similar materials as may be approved by the Town Engineer.
  - c. Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
  - d. Location. Parking lots shall be located to the rear or side of buildings or in the interior of a site whenever possible.
  - e. Landscaping. Parking lots shall be landscaped, screened, and buffered as provided in Sections 2.14 and 2.15.
  - f. Share-access. Where feasible, parking lots shall share access drives with adjacent property having similar land uses.
  - g. Off-street parking design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
  - h. Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
  - i. Lighting. All parking area lighting shall be full cutoff-type fixtures installed perpendicular to the ground. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties, and away from the vision of passing motorists. All lighting will meet the standards outlined in Section 2.19.
  - j. Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreement shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
  - k. Adjacent on-street parking in C-D and C-N. In order to promote a pedestrian scale and encourage a perception of safety in the C-D Downtown Commercial and C-N Neighborhood Commercial zoning districts, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreement shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.



I. Parking shall be screened from view of streets as provided by Section 2.15.

3. Paved off-street parking requirements. Paved off-street parking shall be provided according to the minimum requirements as specified in Table 2-1.

Table 2-1 MINIMUM OFF-STREET PARKING REQUIREMENTS		
PRINCIPLE USE	REQUIRED PARKING SPACES	ADDITIONAL REQUIREMENTS
<b>1. Residential uses</b>		
Single family dwelling	2 per dwelling unit	Plus 1 guest space of on-street parking per dwelling
Accessory dwelling unit	1 per bedroom up to 2 spaces	
Two-, three-, four-, townhome, and multi-family dwellings:		
Efficiency or one-bedroom	1.5 per dwelling unit	Plus .25 guest spaces per unit. For multi-family developments with garages for every dwelling unit, the number of required physically disabled parking spaces is based on the number of shared guest parking spaces.
Two-bedroom	1.75 per dwelling unit	
Three-bedroom	2 per dwelling unit	
35% or more of units restricted to occupancy by the elderly (60 years and older)	.5 per dwelling unit restricted for the elderly	
Group home	1 per 4 beds	
Manufactured Homes in R-MH1 Zone	1.5 per manufactured home site; 1 space must be within 100 feet of each site for the exclusive use of its occupants	Plus .25 guest spaces per unit.
Manufactured Homes in R-MH2 Zone	2 per manufactured home lot	
<b>2. Institutional/Civic/Public Uses</b>		
Emergency services	Parking Study	
Church or place of worship and assembly	1 per 4 seats	
Community facilities	Parking study	
Golf course	4 per hole + spaces required for accessory uses	
Post office, other public buildings	1 per 150 sq. ft.	
Schools		
Kindergarten, elementary, and intermediate	2 per classroom	
High	1 per 4 students at design capacity	
College, vocational training, and technical training	1 per 2 enrolled students + 1 per 2 employees	
Transit facilities	Parking study	
<b>3. Business/commercial/retail uses</b>		
Hospitals	1 per 2 in-patient beds + 1 per 250 sq. ft. of outpatient clinics and service areas.	Bassinets are excluded.
Offices		
Medical, dental office and clinics	1 per 250 sq. ft.	



Table 2-1 MINIMUM OFF-STREET PARKING REQUIREMENTS		
PRINCIPLE USE	REQUIRED PARKING SPACES	ADDITIONAL REQUIREMENTS
All other offices	1 per 300 sq. ft.	
General retail sales and rentals, personal service shops, financial institutions, and other consumer services (not otherwise listed in this Table)	1 per 300 sq. ft.	Plus vehicle stacking spaces per Section 3.4.2.b(9) for uses with drive-in facilities.
Grocery store (supermarket) and large (25,000 sq. ft. or more) retail sales	1 per 250 sq. ft.	
Retail sales – furniture, appliances, and other large customer goods	1 per 500 sq. ft.	
Convenience store	1 per 200 sq. ft. of convenience store/food sales	Plus vehicle stacking spaces per Section 3.4.2.b(9).
Beauty, barber, and nail salons	1 per 100 sq. ft.	
Motor vehicle sales or rental	1 per 40 sq. ft. + 1 per 500 sq. ft. of outdoor display area	
Motor vehicle repair, accessory installation, similar uses	2 per service bay + 1 per employee	
Automobile service stations	1 per gas pump + 1 per 2 employees	Plus convenience store parking requirements for buildings over 200 square feet.
Car wash	1 per 200 sq. ft. of sales, office, or lounge area	Plus vehicle stacking spaces as per Section 3.4.2.b(9).
Boarding and rooming houses	1 per guest room + 1 per dwelling unit	
Child care centers	1 per each 6 persons of licensed capacity	
Automated teller machines	0 for drive-through ATM, 2 per ATM with no drive-through	Plus vehicle stacking spaces as per Section 3.4.2.b(9).
Funeral homes	1 per each 4 occupant capacity	Plus vehicle stacking spaces as per Section 3.4.2.b(9).
Veterinary hospitals, clinics	1 per 400 sq. ft.	
Accommodations:		
Hotel	1 per guest room	+75% of required parking for accessory restaurants, meeting spaces, offices, and etc.
Motel	.75 per guest room	
Bed and breakfast	1 per guest room + 1 per dwelling unit	
Business service establishments	1 per 400 sq. ft.	
Laboratories, research facilities	1 per 400 sq. ft. or 1 per 3 employees, whichever is greater	
Commercial laundries	1 per 400 sq. ft.	
Catering establishment	1 per 400 sq. ft.	
Health and membership clubs	1 per 300 sq. ft.	
Entertainment facilities and theaters	1 per 4 seats	
Restaurants	1 per 100 sq ft. including outdoor seating areas	1 per 75 sq. ft. for restaurants with bar seating areas, including outdoor seating areas



Table 2-1 MINIMUM OFF-STREET PARKING REQUIREMENTS		
PRINCIPLE USE	REQUIRED PARKING SPACES	ADDITIONAL REQUIREMENTS
Restaurants (Fast Food) with drive-through facility	1 per 75 sq. ft. including outdoor seating areas	Plus vehicle stacking spaces per Section 3.4.2.b(9).
Bars, taverns, nightclubs	1 per 75 sq. ft. including outdoor seating areas	
Broadcasting studio	2 per 3 employees + 1 per 4 (fixed or movable) seats in studio having greatest seating capacity	
<b>4. Industrial Uses</b>		
Warehouse, self-storage	1 per 100 storage units inside fenced area + 5 outside fenced area near office	
Heavy equipment sales, rental, repair	See Table 2-2	
Special trade contractor shops, machine shops, publishing plants	See Table 2-2	
Warehouse, transfer stations, storage facilities	See Table 2-2	
Wholesale trade	1 per 300 sq. ft. of office or administrative space + 1 per 1,000 sq. ft. of additional gross floor area	
Industrial, manufacturing	See Table 2-2	
<b>5. Agricultural Uses</b>		
Agritainment	Parking Study	
<b>6. Other Uses Not Prohibited by Law or this Land Use Code and Not Otherwise Listed in this Table</b>		
	As required for most similar use or Parking Study	

Uses subject to off-street parking Table 2-2 shall provide the following cumulative minimum number of off-street parking spaces:

Table 2-2 REQUIRED OFF-STREET PARKING STANDARDS	
Activity	Number of Spaces Required
Office or administrative area	1 per 300 sq. ft.
Indoor sales area	1 per 200 sq. ft.
Outdoor sales or display area (3,000 square feet or less)	1 per 750 sq. ft.
Outdoor sales or display area (over 3,000) square feet)	
Motor vehicles/equipment sales	1 per 2,000 sq. ft.
Other sales/display	1 per 1,000 sq. ft.
Indoor storage/warehousing/vehicle service/manufacturing area	
1 – 3,000 square feet	1 per 250 sq. ft.
3,001 – 5,000 square feet	1 per 500 sq. ft.



Table 2-2 REQUIRED OFF-STREET PARKING STANDARDS	
Activity	Number of Spaces Required
5,001 – 10,000 square feet	1 per 750 sq. ft.
Over 10,001 square feet	1 per 1,250 sq. ft.

a. **Parking Studies.** Several use classifications or specific uses listed in Table 2-1 above have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard. Upon receiving a development application for a use subject to this subsection, the Planning Director shall apply the off-street parking specified for the listed use that is deemed most similar to the proposed use or shall establish minimum off-street parking requirements on the basis of a parking study prepared by the Applicant. The parking study shall include estimates of parking demand based on recommendations published by the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by Staff, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

4. **Location of spaces.**

a. Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.

b. **Residential**

(1) Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street.

Driveway spaces within these setbacks can not be counted for required off-street parking.

(2) Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.

(3) Garages or required off-street parking spaces shall meet the setbacks outlined in Section 3.5, Density and Dimensional Standards.

(4) Where roll-over curbs are not present, a maximum curb cut of thirty-five (35) feet, either singularly or cumulative will be allowed, unless otherwise approved by the Town Engineer.

c. **Non-residential**

(1) The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure.

(2) The maximum curb cut will be determined during the review of the site plan.

5. **Accessible parking and passenger loading for the physically disabled.**

a. Accessible parking spaces shall be required for all retail, office, business, industrial, and institutional uses, as well as multi-family units.

b. Accessible parking spaces shall be appropriately marked with a freestanding sign, in conformance with the *Manual on Uniform Traffic-Control Devices*, using the



standard uniform words and/or symbols that signify the space as parking for the physically disabled only. Van accessible spaces shall have a sign located below the accessible sign indicating the space to be van-accessible.

c. Accessible parking spaces shall be located as close as possible to the nearest accessible building entrance.

d. Number of accessible parking spaces:

Table 2-3 ACCESSIBLE PARKING SPACES	
Total Number of Parking Spaces in Off-Street Parking Area	Minimum Required Number of Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for every 100 over 1,000

For every eight (8) accessible parking spaces, there must be at least one (1) van-accessible space. If there is only one (1) accessible parking space, that space must be van-accessible.

e. Facilities providing medical care and other services for physically disabled persons shall provide the following:

(1) Outpatient units and facilities (including but not limited to medical clinics and offices): Ten percent (10%) of the total number of off-street parking spaces.

(2) Units or facilities that specialize in treatment or services for persons with mobility impairments (including but not limited to physical therapy clinics): Twenty percent (20%) of the total number of off-street parking spaces.

6. Parking space dimensions.

a. Parking stall dimensions. Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

Table 2-4 PARKING STALL DIMENSIONS						
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)**	Curb Length (E)	Overhang (F)	Drive Aisle (G)
45°	9'	19'	15-18'	12' 8"	1' 5"	24'
60°	9'	20'	15-18'	10' 5"	1' 8"	24'



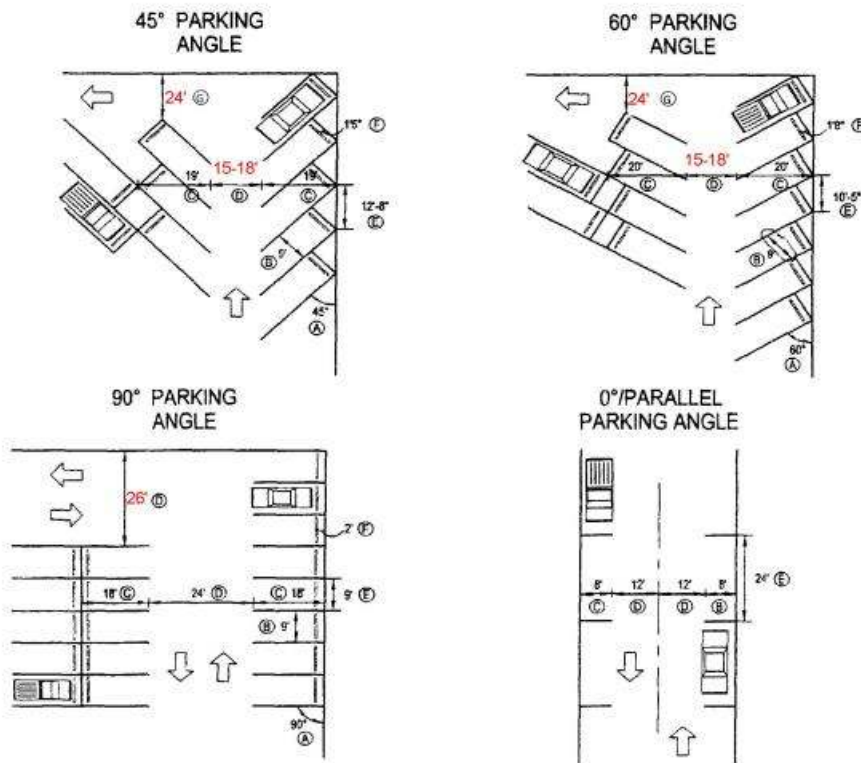
Table 2-4						
PARKING STALL DIMENSIONS						
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)**	Curb Length (E)	Overhang (F)	Drive Aisle (G)
90°	9'	18'	24'	9'	2'	
0°(parallel)	8' *	8' *	12'	24'	0'	

\*Except along local streets where seven (7) feet is permitted.

\*\*Except for lanes designated as primary emergency access where twenty-six (26) feet is required.

**Figure 2-6**

### Parking Angles



b. Accessible parking space dimensions.

- (1) Accessible parking spaces must be ~~nine-eight~~ (98) feet by eighteen (18) feet with a ~~four~~five-foot-wide access aisle.



(2) Van-accessible spaces must be nine (9) feet by eighteen (18) feet with an eight-foot-wide access aisle, adjacent and parallel to the space.

(3) Parking spaces for the physically disabled that are parallel to a pedestrian walk which meets Americans with Disabilities Act standards may have the same dimensions as those for standard vehicles.

(4) Slope. Accessible parking spaces and access aisle widths shall be level with surface slopes not exceeding 1:50 in all directions.

c. Drive lanes used as primary access by emergency response vehicles shall be a minimum of twenty-~~four~~six feet (24~~6~~) wide.

(1) The primary access will be determined in conjunction with the Frederick-Firestone Fire Protection District through the site plan process.

7. Bicycle parking spaces. Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

a. A minimum number of bicycle parking spaces shall be provided, equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.

b. For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be utilized as directed by the Town.

c. Bicycle parking facilities shall utilize the inverted U facilities.

8. Parking restrictions for excess weight vehicles, recreational vehicles and utility trailers.

a. Please refer to Chapter 8, Article III, Sections 8-41 and 8-42 of the Frederick Municipal Code. (Ord. 1145 §§ 8 – 11 (Exh. A), 2013)

#### 9. Vehicle stacking standards

a. The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the Decision-Making Body:

(1) Minimum Number of Vehicle Stacking Spaces: Off-street stacking spaces shall be provided as follows:

<u>Table 2-5</u>		
<u>Activity Type</u>	<u>Minimum Stacking Spaces</u>	<u>Measured From: [1]</u>
<u>Bank teller lane</u>	<u>4</u>	<u>Teller or Window</u>
<u>Automated teller machine</u>	<u>3</u>	<u>Teller</u>
<u>Restaurant drive-through</u>	<u>6</u>	<u>Order Box</u>
<u>Restaurant drive-through</u>	<u>4</u>	<u>Order Box to Pick-Up Window</u>
<u>Car wash stall, automatic</u>	<u>4</u>	<u>Entrance</u>

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<b>Table 2-5</b>		
<b>Activity Type</b>	<b>Minimum Stacking Spaces</b>	<b>Measured From: [1]</b>
<u>Car wash stall, self-service</u>	<u>3</u>	<u>Entrance</u>
<u>Funeral home/mortuary</u>	<u>4</u>	<u>Primary Passenger Loading Area for Processions</u>
<u>Other</u>	<u>4</u>	<u>Pick-Up Window</u>
<u>Note [1]: Measured so that the driver's side window is centered on the teller, order box, or window, as applicable.</u>		

(2) Design and Layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:

(a). Vehicle Stacking Spaces.

i. Size. Vehicle stacking spaces must be a minimum of nine (9) feet by twenty (20) feet in size.

ii. Location. Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.

iii. Design.

1. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.

2. Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

(b). Drive-In (Drive-Through) Facilities and Lanes.

i. Location and Screening.

1. Drive-in facilities (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.

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2. To the maximum extent practicable, drive-in lanes shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty (20) feet from any adjacent public street or sidewalk. The entire twenty foot (20') setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets.

3. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

4. Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.

5. In addition to any buffering required by Article 2, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six (6) feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.

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## **2.11 Parks and open space.**

1. Intent. The intent of the parks and open space requirements is to ensure that a comprehensive, integrated network of parks and open space is developed and preserved as the community grows in accordance with the parks and open space policies, goals, the adopted Comprehensive Plan, and the provisions of the Land Use Code (as amended).

a. Lands dedicated for Parks and Open Space are separate, distinct, and cannot count toward other public dedication requirements or the minimum Landscape Design requirements set forth elsewhere in this Code. Lands for parks and open space are dedicated at time of subdivision, or re-subdivision as applicable, and installed as part of the development infrastructure.

b. Due to the nature of growth in the community, and prior to approval of a park or series of park lands, a park and recreational activity study may be required by Town Staff to determine the type of park facilities and development needed to support the neighboring population and community need.

A park and recreational activity study includes assessing the user needs for parks and open space areas based on local conditions, including community values, availability of land, financial resources, maintenance capabilities, and a desired level of services the community wishes to achieve. To determine specific parkland needs for park development within the Town of Frederick, several analytical methods are to be used when planning a park site; including:

- (1) Recreation demand (based on demographics of the existing and proposed community);
- (2) National trends and standards;
- (3) Land availability and code requirements;
- (4) Current ratio of parkland to population;
- (5) Analysis of present recreation participation levels in sports and leisure activities;
- (6) Recreational facility needs (play and practice time requirements for sports leagues);
- (7) Physical and geographical constraints and opportunities for existing and proposed parks and open space areas.

2. Parks shall consist of lands dedicated to active and passive recreation consisting of landscaped lands with irrigated turf grasses, forbs, shrubs, and trees and generally include a majority of the following: landscape improvements; topography; ponds; lakes; creeks or streams; sports fields; amphitheaters; works of art; leisure activities; hobbies; structured and unstructured education; historic or cultural features; fitness; lighting; parking; recreational amenities; architectural features; gathering spaces, plazas, etc., as noted in the recreational activity study, this Code, or directed by the Town. Parks may be public or private. Parks shall be sized in accordance with the recreational activity study, or constitute no less than sixty percent (60%) of the area required for dedication as parks and open space within the development, unless otherwise noted in this Code.

3. Open space shall consist of lands maintained in native vegetation and used for buffering or habitat preservation and may include lands dedicated to agricultural purposes. Irrigation is applied as necessary to maintain the plant material and intended



use. Human activity and recreational use of open space areas are minimal and subject to approval of by the Planning Director or Board of Trustees as applicable. Open Space may be public or private. Open space does not include lands set aside for oil and gas facilities.

4. Minimum landscape requirements for all parks: All public and private parks shall be designed to be visually interesting, socially relevant, promote health, public safety, and provide pertinent recreational opportunities and amenities for all ages and abilities. All plants shall be carefully chosen to provide for seasonal interest, texture, variety, drought tolerance, zone hardiness, and to promote year round use. With the exception of turf grasses, no one species may exceed twenty five percent (25%) of the total plant palette. Parks shall be designed to minimize water demand, maintenance, the need for chemical fertilizers, and maintain all applicable site triangle requirements. Portions of parks may be used for water storage or storm water management as approved by the Town.

a. In addition to meeting the minimum requirements of Section 2.14 Landscape Design Requirements of the Land Use Code, at minimum, all parks shall provide the following:

(1) General requirements for Parks.

(a) All required and approved vegetation shall be maintained in healthy condition. Dead or diseased plants shall be removed immediately and replaced by the next growing season. New Plants shall meet minimum size requirements.

(b) Plant material adjacent to or within sidewalks, pathways, trails, plazas, and other routes or gathering spaces shall maintain sidewalk clearance requirements for accessibility per the provisions of the Americans with Disabilities Act.

(c) All minimum site triangle requirements as defined in the approved version of the Town of Frederick Design Standards and Construction Specifications, ~~December 13, 2007~~, shall be maintained for public safety.

(d) Water, water taps, and an irrigation system shall be provided by the developer of sufficient size, quantity and configuration to provide for the park landscaping, function, and uses.

(e) All approved and required landscaping improvements, amenities, and features shall be maintained, repaired, and replaced by the owners association or assigns, as necessary to maintain the park as approved by the Town. Deviations from or modifications to the approved plans require prior approval by the Town.

(f) Parks, trails, landscaping, irrigation, water taps, and other required and approved amenities, shall be installed prior to issuance of forty-percent (40%) of the building permits for structures within the subject filing, phase, or subdivision as applicable and defined in the MOAPI, unless otherwise approved or required by the Board of Trustees as part of the Final Plat documents. Building permits shall be withheld until the public improvements are installed, inspected, and approved by Town Staff.

(g) The developer shall provide a detailed cost estimate and post a minimum financial guarantee, as approved by the Town, of one hundred percent (100%) of the total cost of the required and approved public improvements for all parks, trails, landscaping, seeding, reclamation, irrigation, structures, features, and other required and approved public amenities, including utilities, labor, equipment, mobilization, and applicable ancillary costs for installation of the approved landscape plan as shown in the approved Final Plat documents.

(2) Trees



(a) Street and perimeter trees: Street and perimeter trees shall be provided at fifty (50) foot intervals around the edge of the park and placed to avoid conflicts with lighting, parking, and access while buffering or framing views or uses, and defining recreational space(s).

(b) Site and shade trees. At minimum, site and shade trees shall be provided at one (1) site and shade tree per three-thousand (3,000) square feet of landscaped park area, placed to define space, shade, or highlight activities. Trees shall also be placed to shade a minimum of fifty percent (50%) of the sites hard-scape (sidewalks, pathways, plazas, tennis or basket-ball courts, parking areas, etc.) at mature spread during summer months and block winter winds. Site and shade trees shall be both evergreen and deciduous trees.

(c) Ornamental and specimen trees. At minimum, each park shall provide one (1) ornamental or specimen tree for every ten thousand (10,000) sq. ft. of landscaped park area. Ornamental and specimen trees may replace site trees at a ratio of one (1) to ten (10) up to a maximum of twenty-five percent (25%) of the total site trees within a park. Ornamental and specimen trees are both evergreen and deciduous trees.

(d) Buffer and screening trees. Additional trees may be required to buffer and screen park activities from nuisances, unsightly views, or intensive uses as directed by Town staff. Buffering and screening trees are both evergreen and deciduous.

(e) Prohibited trees.

i. In addition to any tree that is listed by the State of Colorado as noxious or invasive, the following trees are prohibited in the Town of Frederick: Russian olive (*Elaeagnus angustifolia* L.), Lombardy poplar (*Populus nigra italica*), Siberian elm (*Ulmus pumila* L.), Boxelder Maple (*Acer negundo*), and Cotton bearing cottonwoods (*Populus alba*).

ii. Ornamental trees and fruit trees with low branches such as crabapple, hawthorn and fruit trees shall not be permitted adjacent to public rights-of-way or near paths or walkways. These trees are likely to cause sidewalk clearance problems in the future. Fruit trees or fruit bearing ornamental trees may be approved by Town staff on a case-by-case basis.

(f) Tree size.

i. Size: The minimum planting sizes on all required trees shall be two-inch (2") caliper deciduous trees, one and one-half inch (1 1/2") caliper ornamental trees, six-foot-tall (6') evergreen trees. Multi-trunk trees shall have three (3) or more canes, and be six inches (6") in diameter measured four inches above ground and a minimum of five feet (5') in height. When landscaping more than an acre of land area, fifty percent (50%) of the required deciduous trees may be one (1) to one and one-half (1 1/2) inch caliper (distributed throughout the site), if previously authorized by Town staff and as noted in the approved landscape plan.

(3) Shrubs.

(a) Street shrubs. Street and perimeter shrubs, ornamental grasses and flowers shall be provided at a minimum ratio of five (5) shrubs for every perimeter tree, clustered into planter beds and distributed to enclose the park, buffer or frame views or uses, define recreational space, and preserve view triangle requirements.

(b) Site shrubs. Massing and the judicious use of shrubs is required. At minimum, site shrubs shall be provided at a ratio of one-hundred and fifty (150) site



shrubs per acre clustered within planter beds and strategically placed to define space, highlight activities, and guide patrons through the park.

(c) Buffer and screening shrubs. Additional shrubs may be required to buffer and screen park activities from nuisances, or block unsightly views and intensive uses as directed by Town staff.

(d) Prohibited shrubs. In addition to any shrub that is listed by the State of Colorado as noxious or invasive, poisonous shrubs are prohibited in the Town of Frederick.

(e) Shrub size.

i. The minimum planting sizes on all required shrubs shall be five gallon container. When landscaping more than an acre of land area, fifty percent of the required shrubs may be two and one-half (2 1/2) gallon container distributed throughout the site, if previously authorized by Town staff and as noted in the approved landscape plan.

(4) Turf grass, ground cover, ornamental grass, etc. The amount of turf grass shall be determined by the intended use of the park as noted in the recreational activity study, or as directed by the Town staff.

(a) Turf areas shall be naturalized, avoiding rectangular shapes and forms, unless required for a specific sports activity, as determined in the recreational activity study. Turf grasses shall be avoided in heavily shaded areas and on slopes that exceed a rise to run ratio of one to four (1:4). Turf grasses shall be drought tolerant and shall meet applicable requirements as noted in the approved version of the Town of Frederick adopted Design Standards and Construction Specifications (Adopted August 23, 2007, as amended).

(b) Massing and the judicious use of perennial ground cover and perennial flower beds are required and shall cover no less than one-half (1/2) of the minimum required shrub / planter bed area. These areas should generally be clustered with shrub beds. The use of native and drought tolerant species is encouraged.

(c) Prohibited forbs and ground cover. In addition to any plant that is listed by the State of Colorado as noxious or invasive, poisonous plants are prohibited in the Town of Frederick.

(d) Size and Maintenance:

i. Container plants. The minimum planting sizes on all required containerized ornamental grasses shall be five gallon container. When landscaping more than an acre of land area, fifty percent of the required ornamental grasses may be two and one-half (2 1/2) gallon container distributed throughout the site, if previously authorized by Town staff and as noted in the approved landscape plan.

ii. Seeding. Seeding shall be installed in accordance with the applicable standards as outlined in the approved version of the Town of Frederick Design Standards and Construction Specifications for the Town of Frederick adopted December 13, 2007.

(5) Pathways and gathering spaces. Pathways shall provide for multiple uses and may consist of soft and hardened landscaped materials appropriate to the anticipated intensity of use and per the requirements of the Town. The construction materials for pathways and gathering area shall have a solar reflective index of no less



than twenty-nine (29 SRI). In addition, these improvements shall use permeable materials and construction methods as feasible.

(a) Pathways. Pathways shall provide for multiple users and link public sidewalks to uses within the park. Pathways shall meander to ensure visual interest. The frequency of the meander shall allure pedestrians with sweeping curves and strategic landscaping rather than creating a zigzag effect.

(b) To the greatest extent feasible, pedestrian and bike paths shall be separate and distinct.

(c) Pathways shall use different surface materials or treatments for different users (i.e. bikes, pedestrian, etc). Intersections involving pedestrians, bicycle, or vehicular crossings shall receive special surface treatments to ensure safety and pedestrian convenience. Intersections and crossings within the park are encouraged to function as a node of activity or mini-plaza. Surface materials may consist of concrete, stamped and colored concrete, compacted crushed aggregate, cobble stone, brick, or approved alternate and shall vary according to the level and type of service and the function of the pathway, as approved by the Town staff.

(d) Pathways shall be a minimum of eight feet (8') wide. Sidewalks shall meet the Standards as outlined in the approved version of the Town of Frederick Design Standards and Construction Specifications ~~for the Town of Frederick adopted December 13, 2007.~~

(e) Pathways and gathering spaces shall also meet accessible route requirements per the provisions of the Americans with Disabilities Act, as amended.

(f) Trail corridors may be seeded to native grasses as appropriately integrated with adjacent improvements.

(g) Gathering spaces. Informal gathering spaces shall be provided and defined by landscaping, plant materials, topography and may include recreational amenities. At minimum, these spaces shall include seating areas, lighting, walls, raised planter beds, or water features and be defined by a combination of planting and architectural elements.

(6) Organic and rock mulch, cobbles, and gravel.

(a) Organic Mulch. All planter beds shall maintain a minimum of three inches (3") of organic wood mulch at all times. In some instances gravel or rock mulch may be utilized, if approved by Town staff, based on the design intent, site circumstances, and to meet the requirements of the code.

(b) Organic mulch rings extending a minimum of eighteen inches (18") from the tree trunk shall be maintained at a depth of three inches (3") for all trees not located within planter beds.

(c) Rock mulch, cobbles, and gravel. The use of rock mulch, cobbles, and gravel for planter bed material, or for surface treatments in park areas is to be avoided. However, rock mulch, cobbles, and gravel may be permitted on a case-by-case basis and only for special circumstances.

(7) Planter beds. All shrubs, flowers and ground cover shall be contained within planter beds.

(a) Planter beds shall maintain a minimum depth of three inches (3") of organic mulch.



(b) Planter beds shall be edged and designed to contain all plantings at mature sizes (the canopy of shade and street trees are excepted).

(8) Topography and water quality. Parks shall have topography to provide visual interest, buffer views and nuisance noise, define space, and provide for seasonal recreational activities, as applicable. The use of walls, boulders, berms, and other materials is encouraged. Parks shall also provide for storm water management, detention, retention, and improve water quality for storm water run-off.

(9) Parks and storm water management. Parks may be designed in combination with storm water management features, provided recreational amenities and improvements are integrated into the storm water management system, and as approved by the Board of Trustees at Final Plat. In no event shall more than forty percent (40%) of a park land area be dedicated to storm water management, unless approved by the Board of Trustees.

(10) Parking. Adequate parking is required for all anticipated activities, uses, park population and park service area as approved by the town and in accordance with the approved recreational activity study.

(11) Lighting. Street, node, activity, walkway, and conflict lighting is required. Lighting shall meet the requirements of Section 2.19.

(12) Recreational and architectural amenities. Plazas, recreational fields, works of art, architectural features, walls, water features, and topographic changes are required, as appropriate to the use and function of the park.

(a) Size, scope, quantity, and quality of the site features shall be installed as approved or required by the Town.

(13) The location and size of parks and open spaces shall be defined at Preliminary Plat and finalized at Final Plat.

5. Types of parks and open space by use and zoning district. Non-residential developments shall be required to provide for a plaza or pocket park and contribute to a neighborhood or community park in proximity to the development.

a. Plazas. Plazas are an acceptable form of park in the C-N, C-H52, and C-E zoning districts, where gathering places are found. A plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complementary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and maintaining the appropriate amenities for each plaza. Plazas shall also provide for multiple and seasonal uses. Amenities associated with the plaza may count toward the minimum required open space as a cash-in-lieu contribution for required parks and open space within an industrial or commercial development as approved by the Board of Trustees.

b. Pocket parks. Shall be located in medium to high density residential or mixed-use commercial zoning districts (R-2, R-3, C-N, C-H52, and C-E).

(1) Pocket parks provide places within walking distance of dense residential units for young children's supervised play and unstructured activities for neighborhood residents, or urban relief. At a minimum, a pocket park shall meet all current safety and Americans with Disabilities (ADA) guidelines and include one (1) of the following: playground equipment, contemplative garden, fountain, art work, or other active or



passive recreation opportunities for the neighborhood. Additionally, the following amenities shall be included:

**Table 2-5**

Amenity	Minimum Quantity	Standard
Picnic/Shade Shelter	1	A steel frame picnic shelter with metal roofing and room for at least one picnic table. Accessible via a concrete walkway.
Seating/Gathering Space	1	A small seating area capable of accommodating two benches
Site Furnishings (all furnishings in steel construction with powder coated finish of the same color, located on a concrete surface)	2	Picnic Tables: 8' with one ADA accessible
	3	Benches: with backs and armrests
	2	Trash receptacles: 32 gallon with covered top
	4 loops	Bike Rack: For a minimum of eight bikes (two per loop)
	1	Dog Waste Stations
Landscaping and Lighting		Irrigated live ground cover, trees, and security lighting
Optional Uses		
Swings	1	Minimum: Single bay with one belt and one bucket swing (requires a use area of approximately 25' x 30' or 750 SF)
Turf Area		+/- 50' x 50' (2,500 SF)

(2) The minimum size pocket park is ten thousand (10,000) square feet of net park area for each residential neighborhood of two hundred (200) units or twenty thousand (20,000) sq. ft. of gross commercial space. The size or number of pocket parks shall increase proportionally (i.e., four hundred (400) units shall require either a twenty thousand (20,000) sq. ft. pocket park or two (2) ten thousand (10,000) sq. ft. pocket parks, etc.). Projects with less than two hundred (200) units or twenty thousand (20,000) square feet of commercial area shall provide a pocket park meeting the minimum size requirements or demonstrate that they are within one-fifth (1/5) mile of a neighborhood park. If credit is taken for proximity to a neighborhood park, the developer shall provide a cash-in-lieu equivalent for its pro rata share of the cost of land and improvements for the required pocket park (i.e., provide twenty-five percent (25%) of a pocket park for fifty (50) units). Pocket parks located across an arterial road cannot be considered to serve a new neighborhood.

(3) The land and amenities of a pocket park may be added to a centrally located neighborhood park. The pocket park amenities placed in a neighborhood park must be within one-fifth (1/5) mile of the sub-neighborhood's two hundred (200) residences served. For example a neighborhood park serving a neighborhood of four hundred (400) residences or commercial development with forty thousand (40,000) sq. ft. shall have two (2) pocket park amenity pods, located to conveniently serve each of the sub-neighborhoods, or the land area may be added to a neighborhood park, as approved by the Board of Trustees in the preliminary and final plat.

(4) Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians, bicyclists, and emergency services.



(5) Within the R-MH1 zone, a landscaped recreational pocket park shall be installed for every thirty (30) dwelling units, as approved by Town staff.

c. Neighborhood parks. A neighborhood park shall be located in each quarter section and within residentially zoned developments (R-1, R-2, R-3, and residential planned unit developments (PUD)). Neighborhood parks are places for recreation and social gatherings that are within walking distance of most residents.

(1) These parks include multiple-use lawn areas, picnic areas, playground equipment, court game facilities and community gardens consisting of four (4) to six (6) acre neighborhood parks centrally located within the neighborhood. Neighborhood parks shall not include competitive sports facilities. Neighborhood parks shall meet all current safety and Americans with Disabilities (ADA) guidelines. Standard amenities to be included are:

**Table 2-6**

Amenity	Minimum Quantity	Standard
Site Furnishings (all furnishings in steel construction with powder coated finish of the same color, located on a concrete surface)	4	Picnic Tables: 8' with one ADA accessible
	6	Benches: with backs and armrests
	4	Trash receptacles: 32 gallon with covered top
	4 loops	Bike Rack: For a minimum of eight bikes (two per loop)
	4	Dog Waste Stations
Swings	1	Minimum: Single bay with one belt and one bucket swing (requires a use area of approximately 25' x 30' or 750 SF)
<b>Optional Uses</b>		
Other Potential Neighborhood Park Facilities		Court facilities (basketball, volleyball, tennis), drinking fountain, splash play facility, community vegetable gardens, climbing boulders or walls, demonstration or floral display gardens, public art, play sculptures, plazas, and pocket park amenities from an adjacent development.

(2) Every residential development shall provide land for a neighborhood park. If approved by the Board of Trustees at preliminary and final plat, the developer may provide a cash-in-lieu contribution for a six (6) acre park to serve the development.

(3) Developers providing land shall submit a conceptual design for the park to demonstrate that it meets the intent of Article 2, Community Design Principles and Development Standards, and the Frederick Comprehensive Plan at preliminary plat and a final design at final plat.

(4) Neighborhood parks shall be developed by the applicant and maintained by the Home Owners Association, or approved equivalent.

(5) Neighborhood parks serve the residents within one-third (1/3) mile of a given park. Should a project be within one-third (1/3) mile of an existing park, the developer shall provide a cash-in-lieu equivalent for its pro rata share of the cost of land and improvements for the required neighborhood park (i.e. provide twenty-five percent (25%) of a neighborhood park for fifty (50) units). Neighborhood parks located across an



arterial road cannot be considered to serve a new neighborhood, unless a grade-separated crossing (underpass or overpass) is provided.

d. Community parks. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets at the edge of residential areas or in nonresidential areas to minimize the impact of organized recreational activities such as lighted ball fields. Community parks are permitted in the Public Zoning District. Community parks shall be centrally located within the greater development, and may be located to serve several smaller developments.

- (1) Community parks shall be developed and maintained by the Town.
- (2) Community parks shall be a minimum of twenty (20) acres while facilitating the needs of the Town at the time of its development.
- (3) Community parks shall serve residents within a three (3) mile radius.
- (4) Community parks may serve as a neighborhood park for residents within one-third ( $1/3$ ) of a mile if there is no arterial street between the residents and the park.
- (5) Community parks shall focus on providing facilities for organized team sports (e.g., baseball, softball, soccer, football, lacrosse, etc.) with lighted facilities.

e. District parks. District parks serve the residents of the entire Town, as well as people who live outside of the community. District parks provide recreational opportunities such as fishing, canoeing and wildlife viewing. Developers of district parks shall submit a conceptual design and a recreational activity study to demonstrate that it meets the needs of the community, the Comprehensive Plan and Land Use Code. Refined plans shall be submitted at preliminary plat and a final design is submitted at final plat. District parks may be developed in conjunction with other jurisdictions, special districts, or entities and shall be maintained by a special district, the Town, or other entity, as approved by the Board of Trustees.

f. Trails. Trails are permitted in all zones. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections, as well as recreational opportunities and access.

- (1) Developers shall provide trails as designated in the Parks and Open Space Component of the Comprehensive Plan, as well as connections to the Town's existing or proposed trail system and destinations within the neighborhood.
- (2) Developers shall contribute a proportional share for the construction of any trail that is adjacent to or serviced by the proposed development.

g. Regional open space. The Town's regional open space system includes: Godding Hollow drainage, Bulrush Wetlands and Wildlife Preserve, Frederick Recreation Area, Bella Rosa Golf Course, floodplains, drainage ways, natural areas, natural area buffer zones, wetlands, subsidence areas, agriculture preservation areas and lands of archeological or historic significance. Access is generally limited to trails, educational signs and similar low impact improvements, though additional improvements may be completed.

h. Storm drainage detention facilities. Up to forty percent (40%) of the storm drainage detention facilities, including storm water facilities, may function as portions of parks and open space areas for active and passive recreation, trail corridors, or habitat enhancement areas if designed appropriately and approved by the Town. For storm drainage facilities to be credited toward the open space dedication requirements these



areas must function as a multi-use facility providing for active recreation with trails, educational signage and other improvements, as approved by the Board of Trustees at the time of Preliminary Plat and Final Plat. To count as open space, in addition to meeting the requirements of Section 2.14:

(1) At minimum (2) two of the four (4) side slopes (fifty percent (50%)) of the storm drainage facility shall not exceed 1:4 slope if used as park space.

(2) Access and recreational facilities must meet ADA requirements if used as park space.

(3) Features shall be included for passive and active recreation, including but not limited to, ball fields, play structures, fitness parks, educational centers, structured and unstructured opportunities for learning and recreation, etc.

6. Ownership and maintenance of Parks. Ownership and maintenance of public parks shall be determined by the Town at Final Plat.

a. Generally, the owners association or assigns shall own parks. If approved by the Board of Trustees neighborhood parks, community parks, district parks, and public trails may be owned by the Town. Maintenance of parks and open space shall be the responsibility of the owners' association. Maintenance of trails shall be determined on a case-by-case basis.

b. Landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association or assign.

c. Environmentally sensitive, archaeological, and historic resources may be dedicated to the Town and maintained by the Town if approved by the Board of Trustees.

d. Conservation areas set aside as part of a rural subdivision shall be owned and maintained by the owners' association or assigns.

e. Storm water detention and retention areas that also function as parks shall be owned and maintained by the owners' association or assigns. Storm water facilities owned by the Town shall be maintained by the Town.

f. Areas designated as park lands shall be maintained according the designated function of the area. In addition, a mechanism to assure that maintenance will be funded in perpetuity shall be in place at the time of the Final Plat, as approved by the Town.

g. Parks protection and preservation. Areas designated as parks shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and remain as park space in perpetuity. They may be dedicated to the public or held in private ownership. Appropriate ownership will be determined through the review process in cooperation with the landowner. Future use may include recreational activities as approved by the Town.

7. General provisions for Open Space.

a. Open space should serve as urban relief and preserve natural areas, habitat, vegetation and may allow for compatible recreational uses. Open space, such as the Godding Hollow drainage way and developed parks and plazas, shall be used to organize and focus lot, block, and circulation patterns and to enhance surrounding development. Street, block, lot, and building patterns shall respond to the views, landscape, and recreational opportunities provided by the open space.

(1) Minimum requirements for open space. All open space areas shall provide the following:



(a) Native vegetation or agricultural lands generally preserved as a contiguous parcel or land area.

(b) Appropriate fencing to enclose the area.

(c) Signage defining the allowable uses for the property.

(d) Open space areas shall also include a continuous land area, significant resources such as flood plains; natural water bodies; natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; areas with little or no land disturbance; and, or trails for non-motorized activities, or as approved by the Board of Trustees.

b. Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Public access shall be provided to all public open space, natural and developed, directly from the Public Street and trail system. In some instances areas may be closed to the public or open by appointment only, as necessary to preserve the integrity and properly manage the resource.

(1) Open space and trail areas shall have a minimum of seventy-five (75) feet of street frontage unless otherwise authorized approved by the Board of Trustees.

c. Street frontage for public open space. Development adjacent to public open spaces shall integrate the open space into the design and avoid enclosing open space with buildings and back yards to the greatest extent feasible.

d. Buffering. Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not adversely affect the resource. Developers shall provide an open space buffer zone around all natural areas unless otherwise authorized by the Board of Trustees. The size of the buffer zone shall be in accordance with studies prepared by a qualified wetland or wildlife ecologist (as applicable) employed by the Town and paid for by the developer.

e. Open space uses. Uses designated within the open space shall be appropriate to the context and character of the site and the intensity of the proposed development.

f. Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case-by-case basis at Final Plat.

(1) Generally, the home owners' association or business owners' association or assigns shall own and maintain public and private open space. Maintenance of trails shall be determined on a case-by-case basis.

(2) Landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association or assigns.

(3) Environmentally sensitive, archaeological, and historic resources may be dedicated to the Town and maintained by the Town if approved by the Board of Trustees.

(4) Conservation areas set aside as part of a subdivision within the Residential Estate Zoning District shall be owned and maintained by the owners' association.

(5) Storm water detention and retention areas that also function as open space shall be owned and maintained by a homeowners' association or assigns.

(6) Areas designated as open space shall be maintained according the designated function of the area. For areas that remain in private ownership, a mechanism



to assure that maintenance will be funded in perpetuity shall be in place at the time of the Final Plat, as approved by the Town.

(7) Open space protection. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and remain open in perpetuity. They may be dedicated to the public or held in private ownership. Appropriate ownership will be determined through the review process in cooperation with the landowner. Future use may include recreational or agricultural activities if approved by the Town as determined in the annexation agreement, conservation easement, or other Town sanctioned process.

8. Open space requirements.

a. Open space requirements are intended to provide a unified network of public and private facilities to serve as recreational and social outlet and urban relief. Public land dedication requirements are identified in Section 2.12. Additional land dedication is required for schools as outlined in Section 2.14. Open space includes both private and public lands as follows:

(1) Areas within the community designated for the common use of the residents of an individual development and/or the community at large including conservation easement;

(2) Areas designated for preservation and protection of environmental resources, including floodplains, natural drainage ways and wetland areas;

(3) Areas impacted by subsidence;

(4) Areas designated for agricultural preservation;

(5) Water bodies in excess of one acre in surface area; and

(6) Areas of archeological and historic significance.

b. Open space shall not include the following:

(1) The area within the minimum required one hundred fifty (150) foot lot line setback around all oil and gas production facilities as noted in Article 9;

(2) Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space, unless approved by the Board of Trustees;

(3) Private yards whether on a residential or commercial site;

(4) Tree lawns in street rights-of-way; or

(5) Required parking lot landscaping associated with residential uses, except parking specifically designated for access to open space areas or trail head.

(6) Sidewalks, parking areas, driveways, roads, tree lawns, concrete pads, storage areas, public rights-of-way whether landscaped or not, building footprints, emergency access routes, oil and gas roads, or storm water facilities (unless otherwise noted in the Code).

9. Amount of open space required by development. The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (one-quarter [1/4] mile), the Comprehensive Plan, and the findings of the recreational study noted in Section 2.11.1.a of the Land Use Code. To the extent practical, subdivision parks and open space shall be oriented to maximize views of significant natural features, parks, community buildings, and open space while promoting energy efficiency and resource conservation.



a. General provisions. The land area dedicated as parks and open space within subdivision developments shall not be credited toward the minimum landscape requirements or landscape area for site, lot, or parcel specific development as noted in Section 2.14 of the Land Use Code.

b. Each development shall provide an internal pedestrian way or trail system and any applicable trails designated on the Parks and Open Space Map of the Comprehensive Plan.

c. All residential developments shall dedicate a minimum of twenty percent (20%) of the ~~net-gross~~ land area for public parks, trails, open space or other similar purposes at the time of subdivision ~~(excluding road rights-of-way)~~.

(1) Estate zones. The developer shall provide a minimum of twenty percent (20%) of the ~~net-gross~~ land being subdivided as functional open space, which may include agricultural land, natural areas, storm water facilities (if in compliance with Section 2.14.10), floodplains, subsidence areas, trails, and lands dedicated for other similar purposes, excluding roads.

(2) Single-family residential developments zoned R-1 or R-MH1. The developer shall provide:

(a) A minimum of twenty percent (20%) of the ~~net-gross~~ land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned landscaped areas (excluding parking lots), ponds, lakes, storm water facilities (if in compliance with Section 2.14.10), natural areas, and amenities for residents or other similar purposes;

(b) One (1) centrally located pocket park for every two hundred (200) residential units;

(c) The land for one (1) neighborhood park within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development.

(3) Multi-family residential developments zoned R-2 or R-3 or zones that allow for residential development. The developer shall provide:

(a) A minimum of twenty-five percent (25%) of the ~~net-gross~~ land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned or landowner-owned landscaped areas (excluding roads, drives, and parking lots), natural areas and amenities for residents or other civic purposes;

(b) One (1) centrally located pocket park for every two hundred (200) residential units;

(c) The land for one (1) neighborhood park within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the neighborhood park that will serve the development.

d. All commercial and industrial developments shall dedicate a minimum of twelve percent (12%) of the gross land area for public parks, trails, open space and other civic purposes at the time of subdivision (excluding road rights-of-way).

(1) Commercial and industrial developments. The developer shall provide:

(a) A minimum of twelve percent (12%) of the gross land being subdivided as functional public or private open space, which may include: plazas, trails, landscaped areas (excluding roads, drives, and parking lots), recreational amenities,



natural areas, ponds, lakes, and other similar purposes. Additional open space may be required for functional trails, pathways, buffers, and gateways to provide contiguity between existing and planned facilities, or meet the other applicable requirements of this Code, or as directed by the Town; and

(b) Within an Industrial subdivision a pocket park will count toward the land dedication and shall be included within or adjacent to the development (see Section 2.11).

e. Planned unit developments (PUD). The developer shall provide:

(1) A minimum of twenty-five percent (25%) of the gross land area shall be being developed as common functional open space within a residential development; or fifteen percent (15%) in a commercial or Industrial PUD, which may include: pocket parks, trails, owners' association-owned areas (excluding roads and parking lots), natural areas, ponds, lakes, storm water facilities, and amenities for residents, patrons, and other civic purposes;

(2) One (1) centrally located Pocket Park for every two hundred (200) residential units;

(3) Land for one (1) neighborhood park within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the neighborhood park that will serve the development; and

(4) Up-graded amenities such as parks improvements and features, landscaping, lighting, fountains, etc. shall be of a quality and quantity that exceeds the standard park amenity requirements by a minimum of twenty-five percent (25%).

10. Parks and Open Space Plans Master Landscape Plans. Master Landscape Plans shall be provided for all parks, open space and landscape areas. All land development applications with the exception of plot plan applications for individual single-family residences shall be accompanied by an appropriate landscape plan. In addition to meeting the requirements of Section 2.11 Parks and Open Space as well as Section 2.14 Landscape Requirements, the following information shall be included in the landscape plans for Sketch, Preliminary Plat, and Final Plat.

a. A conceptual parks, open space, and landscape plan shall be submitted with the subdivision sketch plan. The intent of the conceptual open space plan is to identify the resources on a site and show how they are integrated into the overall design for the project, parks and open space and the neighborhood. This information shall be included on the Sketch Plan map or combined with the landscape plan. At minimum, the conceptual open space plan shall contain the following:

(1) A verbal and graphic description of the design intention and how the open space will function; and

(2) Specific information required on the conceptual plan as listed in Table 2.5.

b. A Preliminary Parks, Open Space and Landscape Plan shall be submitted with the subdivision Preliminary Plat. The intent of the preliminary open space plan is to discuss the details of how the open space will be used to organize the overall project design, illustrate how it will function in the overall neighborhood and define long-term maintenance requirements and responsibilities. Information included on the preliminary landscape plan shall be legible and clearly illustrated at an appropriate scale. The preliminary open space and ecological characterization plan shall contain the following:



(1) A description of the design intention and how the proposal is consistent with the purpose and intent of this Section;

(2) Applicants shall provide a draft master parks, open space, and landscape management plan to be submitted for review and approval with the preliminary plat and preliminary landscape plan; and

(3) Specific information required on the preliminary plan as listed in Table 2-7.

c. Final parks, open space, and landscape plan shall be submitted with subdivision Final Plat. The intent of the final open space is to ensure that all phases of the final open space plan are consistent with the preliminary open space plan as approved during the Preliminary Plat; or for a PUD development, to identify the resources on the site and discuss the details of how the open space will be used to organize the overall project design, to illustrate how it will function in the overall neighborhood and define long-term maintenance requirements and responsibilities. Information shall be included on the final landscape plan shall be legible and clearly illustrated at an appropriate scale. The final open space and ecological characterization plan shall contain the following:

(1) A description of the design intention and how the proposal is consistent with the recreational activity study (if required), Comprehensive Plan, ecological conditions of the site, and provisions of this Code;

(2) Appropriate documentation (i.e., warranty deed, homeowners' association documents, conservation easement and open space management plan) that shows who will own and maintain the open space. Applicants shall provide a master parks, open space, and landscape management plan to be submitted for review and approval with the final plat and final landscape plan;

(3) Specific information required on the final plan listed in Table 2-7.

Table 2-7 PARKS AND OPEN SPACE MASTER LANDSCAPE PLAN			
Information Required	Sketch	Preliminary	Final
Scale, north arrow, site boundary	Y	Y	Y
Existing and proposed streets, pathways, and parking areas	Y	Y	Y
Existing and proposed utilities and easements		Y	Y
Existing contours (2' intervals) – may use USGS for concept plan		Y	Y
Existing and proposed site features, including ditches, trees, shrubs and native ground covers and any drainage ways on the site. Indicate which plants will be preserved and method of preservation and which will be removed.	Y	Y	Y
Delineate floodplains, wetlands, wildlife habitat, threatened endangered flora and fauna, archaeological/historic areas or other resources and prominent views and how they will be preserved and integrated into	Y	Y	Y



<p><b>Table 2-7</b></p> <p><b>PARKS AND OPEN SPACE MASTER LANDSCAPE PLAN</b></p>			
<b>Information Required</b>	<b>Sketch</b>	<b>Preliminary</b>	<b>Final</b>
the overall site design			
Note all ecological functions provided by the site and its features (i.e. water quality or storage, sensitive flora or fauna (if any), feeding, watering, nesting, roosting, perching, cover, times/seasons area is used and the "value" of the biome (if any)	Y	Y	Y
Show all existing and proposed bank, shoreline and high water mark of any perennial stream or body of water on the site	Y	Y	Y
Illustrate how the open space network, pedestrian and bicycle circulation, and auto access (if any) (both private and public) will function within the proposed development and linkages to the existing neighborhood or planned facilities.		Y	Y
Show how the property will relate to other existing and proposed neighborhood parks and trails in the area	Y	Y	Y
Indicate and the method of irrigation		Y	Y
Define areas to designate as visual relief, passive or active recreation natural buffers, open space, and park land.	Y	Y	Y
Detail if they will be public or private		Y	Y
Indicate how open space (i.e., parks, trails, natural areas, etc.) will be phased and developed, including erosion control, re-vegetation, irrigation and weed management, and the installation of amenities both during and after construction		Y	Y
Describe the design intention		Y	Y
Provide a recreational activity and service study with recommendations		Y	Y
Conceptual design of neighborhood park and its uses	Y		
Preliminary design of neighborhood park		Y	
Final design of neighborhood park			Y
Park development phasing plan and proposed triggers (if			Y



<b>Table 2-7</b> <b>PARKS AND OPEN SPACE MASTER LANDSCAPE PLAN</b>			
<b>Information Required</b>	<b>Sketch</b>	<b>Preliminary</b>	<b>Final</b>
applicable)			
Provide detailed construction drawings and details, specifications, and cost estimates for all proposed improvements.			Y
Provide a maintenance plan, with irrigation, fertilizer, and other applicable specifications and requirements for the establishment, vitality, and longevity of the park and its amenities.			Y
Provide parks plan drawings that meet the requirements of Section 2.14.9 of the Land Use Code.			Y

(Ord. 1145 §§ 3 – 7 (Exh. A), 2013)



## **2.14 Landscape design.**

1. Intent. The intent of the landscape design requirements is to preserve the Town's special character, and integrate new development into the community by promoting quality landscape design that:

- a. Reinforces the identity of the community and each neighborhood;
- b. Provides tree-lined and landscaped streets;
- c. Anchors new buildings and development into the landscape;
- d. Provides tree canopies and landscaping within paved areas;
- e. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat;
- f. Promotes health, wellness, community vitality, interest, public safety and physical comfort;
- g. Provides for structured and non-structured recreation and urban relief; and
- h. Reduces energy and resource consumption.

2. General provisions. All land development or redevelopment applications shall be accompanied by an appropriate site analysis and landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with these regulations.

a. All final and approved landscape plans shall be developed and stamped by a professional Landscape Architect Certified by the State of Colorado, or approved equivalent. Landscaping improvements conducted by the property owner on single family lot is exempt from this requirement.

(1) Landscaping improvements on a single family lot shall not alter the drainage pattern or amount of storm water run-off determined by the approved subdivision grading plan.

b. All approved and required landscaping shall be installed as stipulated in the MOAPI for common space, open areas, tree lawns, etc., and prior to final acceptance. For lot specific development, such as single family residential, multi-family, commercial, industrial or other developments, all landscaping shall be installed prior to Temporary Certificate of Occupancy or Certificate of Occupancy, or final inspection unless prior arrangements are approved by Town staff. In no event shall landscaping be delayed beyond the beginning of the next growing season or seven (7) months from temporary occupancy. Phasing of the landscaping may be approved by Town staff in some instances. Landscaping improvements conducted by the property owner on a single family lot is exempt from this requirement.

If landscaping is not installed at the time of Temporary Certificate of Occupancy, then:

(1) A detailed cost estimate for the installation and all applicable improvements including labor, equipment, and mobilization for all amenities shall be required.

(2) The financial guarantee may be in the form of an escrow held by the Town or other assurity as approved by the Town. The value of the financial guarantee shall be for one hundred percent (100%) of the total cost for the installation of the landscaping.



c. The Town reserves the right to conduct compliance inspections to verify compliance with code requirements. In addition, the Town reserves the right to enforce these provisions in accordance with the adopted Land Use and Municipal Codes, as amended.

3. Design Principles.

a. Landscape plans shall use the following design principles to promote the desired character of the community, connectivity, and enhance the aesthetic while maximizing reductions in energy and resource consumption and minimizing maintenance requirements:

(1) Well-planned site design using appropriate building orientation, building materials, thematic design, and planting schemes that incorporate climatic and micro-climatic conditions to promote the wise use of water and energy resources;

(2) Appropriate site and building materials, plant, and turf selection and placement to minimize energy, resource consumption, and maintenance requirements;

(3) Maintain soil moisture and reduce evaporation through the maximum use of layered landscaping such as organic mulch, ground cover, shrubs, forbes, and over-story landscaping;

(4) Zoning of plant materials according to microclimatic needs and water requirements;

(5) Improvement of the soil as needed to promote plant health and longevity;

(6) Efficient irrigation systems with weather and rain gauges to minimize resource consumption, waste, and maximize efficient water use;

(7) Proper plant maintenance, care, and irrigation schedules;

(8) Safe and healthy landscapes that provide for alternative modes of transportation. Landscapes shall provide access to all ages and abilities and reduce opportunities for illicit activity or behavior. Landscaping at pedestrian and vehicle intersections shall meet view triangle requirements as noted in the approved version of the Town of Frederick Design Standards and Construction Specifications ~~(adopted-December 13, 2007)~~;

(9) Encourage the use of permeable construction materials and systems that minimize storm water runoff and maximize infiltration while reducing the potential for non-point source groundwater pollution, including incorporating storm water detention into the landscape design;

(10) Seasonal variation in interest, as well as framing and buffering of views, and the careful placement of over story and under story materials to block winter winds and summer sun.

(a) All landscape shall strive to maximize use of native species. Where native plant material is not appropriate for the intended use, plant species that are regionally adapted and noninvasive may be used.

(b) Landscapes shall consist of a variety of plant species to enhance biodiversity. No one plant species may make up more than twenty-five percent (25%) of the non-grass plant materials on site.

(c) Buildings and parking areas shall be located to preserve and promote the health of existing vegetation, environmental resources, and natural drainage



ways. No healthy tree or shrub shall be removed without good cause. This requirement is not intended to prevent removal of unhealthy plants in conjunction with development.

(d) Landscaping shall be placed to provide summer shade and limit winter shade and wind on walks and streets.

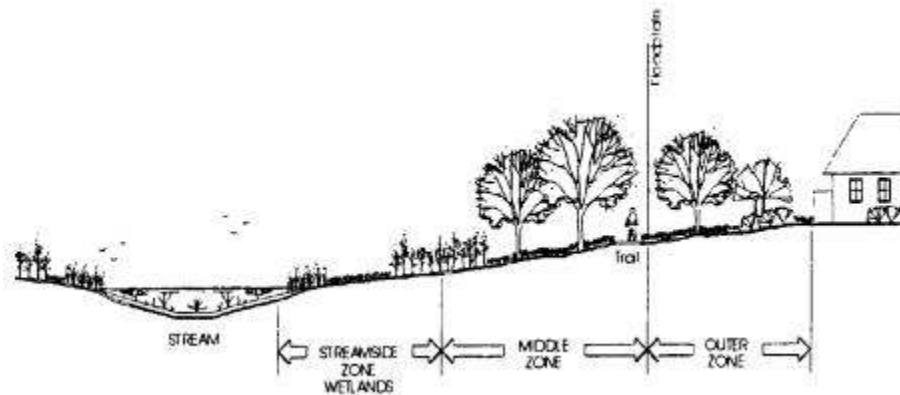
(e) A combination of plantings, berms, walls, and fences shall be used as appropriate to buffer adjacent uses, sensitive habitat, and transition between elevation changes (see Figures 2.7 (a) and (b)).

(f) All areas disturbed by construction shall be reseeded to prevent erosion. Native, non-invasive grasses shall be used for re-vegetation where practical. Weed control is the responsibility of the landowner or approved designee.

(g) All parks and open space shall be developed, landscaped, and maintained as noted in Section 2.11 of this code.

**Figure 2-7(a)**

### **Sensitive Habitat Buffers**

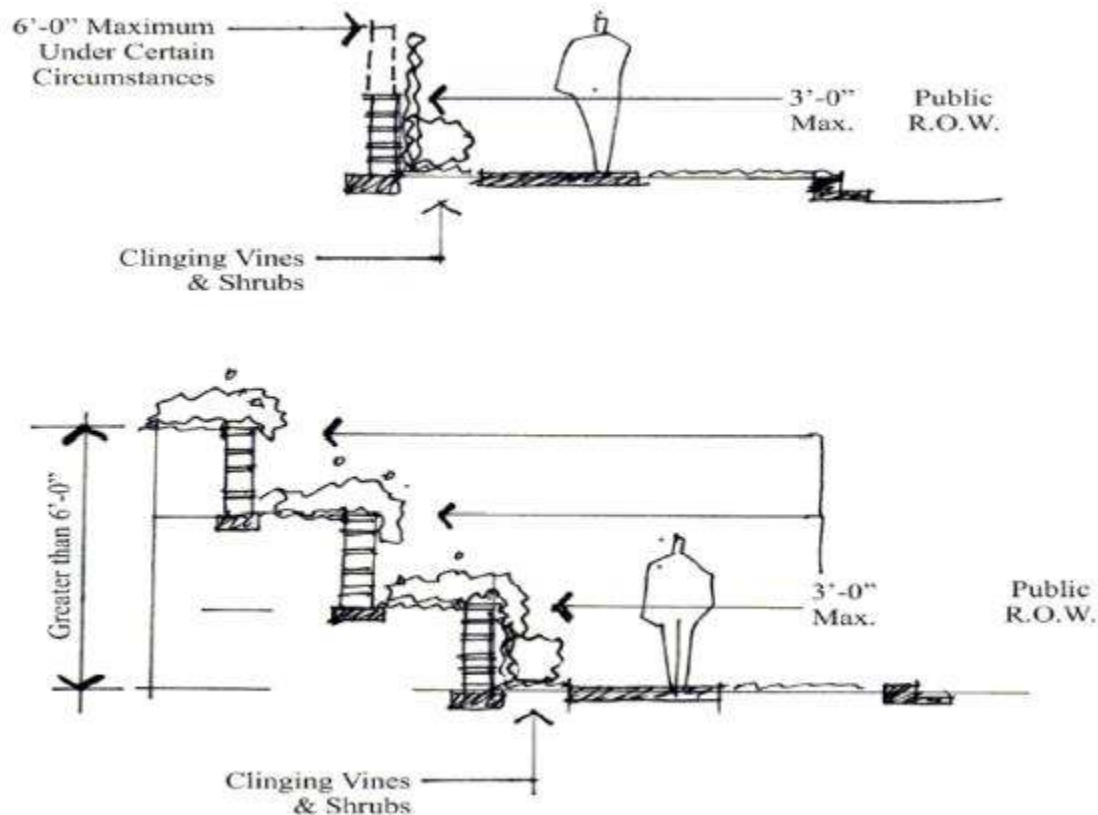




**Use buffers to protect the physical integrity of riparian ecosystems. Preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc.**

**Figure 2-7(b)**

**Transition between uses**



**Use a combination of berming, buffering, plantings, fencing and walls to integrate transitions between land uses.**

**4. Landscaping for new construction.**

a. **Landscaping.** Landscaping shall anchor structures in the landscape through the use of trees, shrubs and groundcover. The size, intensity, and density of plantings shall be appropriate to the size and context of the improvements and as required in this Code.

b. **Screening.** Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics, and traffic. A fence or wall shall not be the only screening material used (see Figure 2-7(b)).

c. **Transition and buffering.** Use landscaping to provide a transition from developed, managed landscape to more natural vegetation and buffer intensive uses from less intensive uses (see Figure 2-7(b)).



d. Comfort. Provide a tree canopy by installing shade trees within and adjacent to paved areas and incorporate landscaping into parking areas as necessary to minimize heat gain during the summer and minimize the effect of winter winds. Paved areas should utilize a white or light color to minimize heat gain (solar reflective index of no less than twenty-nine (29 SRI)).

e. Environmentally sensitive areas. Improvements within environmentally sensitive areas shall minimize disturbances and enhance the amenity.

g. Character. Improvements shall be an integral part of the overall site design for each property. Improvements shall be designed to enhance the character of neighborhoods.

h. Interconnectivity. Landscaped areas shall be configured to maximize their interconnectivity with the site, natural areas, and landscaped areas in adjacent developments. Small isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.

i. Definition of space. Landscaping shall create functional open space integration of outdoor rooms appropriate to the location and purpose of the open space within the development. This can be accomplished through a combination of plantings, design features, fencing, and berms and with the use of natural features on the site.

j. Enhancement of natural features. Landscaping shall enhance natural features, drainage ways, and environment resources while achieving maximum reductions in energy and resource consumption by shading areas from summer sun, blocking winter winds, and providing for infiltration of precipitation to minimize water runoff and improve water quality.

k. Site maintenance. All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility and safety for cars, pedestrians, etc.

l. Design hierarchy. Site development and subdivisions shall incorporate elements of gateway, path, and destination into the design of landscapes that support a hierarchy of space. Gateways are entries that provide transition from one space to another. Pathways are routes that lead to a destination. Destination includes nodes of activity or focal points that may include a bench along a path, plaza, or park, or entry to building.

m. Service areas. Parking areas, service entrances, recycling, refuse containers and dumpsters, utility boxes, and loading areas shall be screened from view from adjacent properties, public roads and rights-of-way, and other offsite view corridors to the greatest extent feasible while providing for public health and safety in accordance with Section 2.15 of the Land Use Code.

n. Fences and Walls. Fences and walls shall conform to the requirements of Section 2.16 of the Land Use Code.

o. Gateway Development Standards. Developments adjacent to arterial streets such as Highway 52, Highway 119, Colorado Boulevard, Aggregate Boulevard, Bella Rosa Parkway, and Tipple Parkway shall conform to the Gateway Landscape Standards in this Code.

p. Natural amenities. Where a site abuts a natural amenity such as a flood plain, trail corridor, park, or other open space, the landscape plan shall compliment the natural character and integrity of the amenity and landscaping.

## 5. Plant materials.



a. The minimum planting sizes on all required landscaping shall be two-inch (2") caliper deciduous trees, one-and-one-half-inch (1 1/2") caliper ornamental trees, six foot (6') tall evergreen trees and five (5) gallon shrubs. Perennials shall be one (1) gallon container size. Ground covers and vines shall be spaced to provide for eighty percent (80%) ground plane coverage within two (2) growing seasons. Multi-trunk trees shall have three (3) or more canes, and be six inches (6") in diameter measured four inches (4") above ground at a minimum of five feet (5') in height.

(1) When landscaping more than an acre of net land area, forty (40) percent of the required deciduous trees may be one (1) to one and one-half (1 1/2) inch caliper (distributed throughout the site), while shrubs may be two and one-half (2 1/2) gallon container (distributed throughout the site), if previously approved by Town staff and as noted in the approved landscape plan.

(2) Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects, and injuries. Plantings within the Public lands (rights-of-way, tree lawns, etc.) shall be subject to inspection by Town staff prior to acceptance. Unacceptable plant stock shall be rejected.

(3) All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the *American Standard for Nursery Stock*, and the Colorado Nursery Act (CNA).

(4) Organic mulches shall be applied over a weed control barrier at one (1) cubic yard per eighty (80) square feet and maintained at a minimum depth of three (3) inches and contained within an edging.

(a) Inorganic mulches and decorative rock shall be used as an ornamental feature in a limited area and contained by edging.

(5) Irrigation. All required landscaping shall be irrigated as required for plant establishment, health, and maintenance. Irrigation systems shall be zoned appropriate to the type and scope of the landscape improvements and plant requirements, including but not limited to landscaping within the right-of-way. Irrigation systems shall be capable of supporting multiple zones and settings, including adjusting for weather conditions and water restrictions. All irrigation systems shall be connected to a back flow prevention device.

(a) Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.

(b) Temporary irrigation may be used to establish and maintain ground cover and plantings within natural areas, or areas set aside for later development, as approved by the Town.

(c) Developer shall provide water taps, irrigation improvements, and dedicate water as needed to supply the landscaping.

(6) Guarantee of installation. Required landscape improvements shall be installed prior to issuance of a certificate of occupancy or final inspection for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the installation of the improvements, based on an estimate of the total cost for installation plus twenty-five percent (125%). The total cost of installation shall include all required labor, materials, and all necessary activities required for installation of the



approved landscaping. This guarantee shall be released upon completion of two growing seasons after initial approval of the installation by the Town.

(7) Maintenance. In order to provide for the ongoing health and appearance of required and approved landscape improvements, all landscaping shall be maintained in good health and replaced by the landowner or occupant as necessary. All property owners or occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

(a) Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner, or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition, or when so directed by the Chief Building Official or Community Service Officer according to Municipal Code Chapter 7, Article II.

(b) Any portion of existing landscaping that is renovated and requires an irrigation system or issuance of a plumbing permit for an irrigation system shall comply with these regulations. Renovations include expansions and rehabilitation of landscape materials and components installed prior to the adoption of these regulations.

(c) Landscaping shall not encroach upon sidewalks or street rights-of-way and trimmed, pruned, and maintained to meet accessible route requirements of the Americans with Disabilities Act.

(d) The Town reserves the right to conduct compliance inspections to verify compliance with code requirements.

(e) The Town reserves the right to enforce these regulations in accordance with the provisions of the Land Use and Municipal Codes, as amended.

(8) Prohibited plant materials. In addition to any plant that is listed by the State of Colorado as noxious or invasive, the following species are prohibited in the Town: Russian olive, Lombardy poplar, Siberian elm, Boxelder maple and Cotton bearing cottonwoods.

(a) The Board of Trustees may consider cotton-bearing cottonwood on a site specific basis for restoration projects along riparian corridors, such as along Godding Hollow, Bulrush Wetland, Boulder Creek, etc.

(b) Poisonous plants are prohibited.

6. Landscaping design standards. All landscapes shall conform to the following design standards:

a. Rights-of-way. Landscaping within the right-of-way and required common open space, the developer or assigns shall provide:

(1) Street trees: Deciduous or ornamental tree street tree shall be planted, by the developer, within the tree lawn portion of the right-of-way with adequate spacing to allow for the mature spread of the trees.

(a) Spacing requirements. Unless otherwise noted in this Code, street trees shall be spaced within the tree lawn, sufficient for mature growth and to avoid conflicts with lighting. For calculating the minimum required number of street trees, there

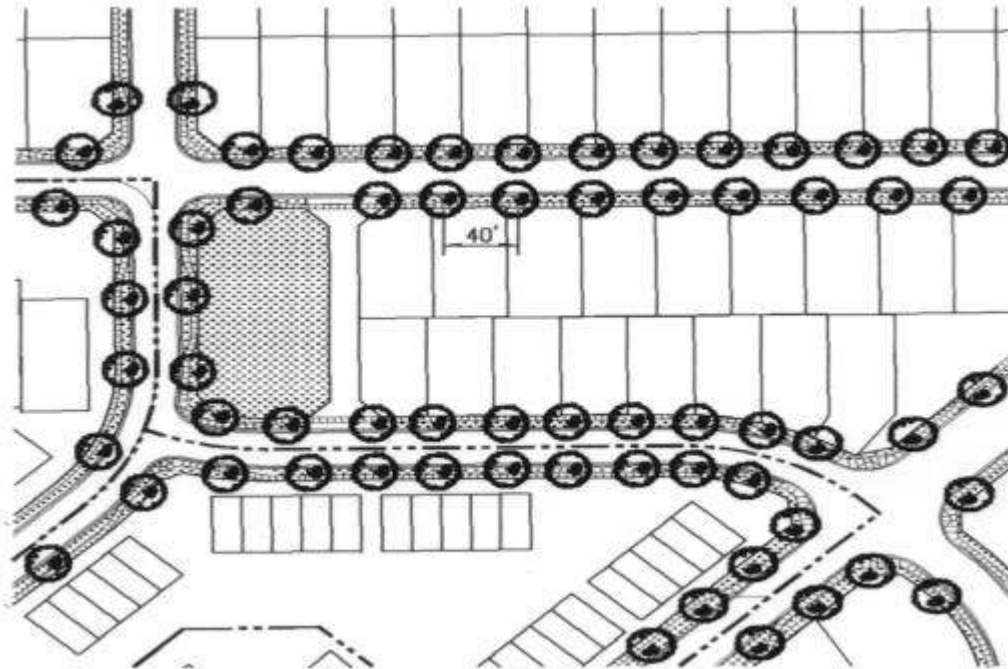


shall be one (1) tree for every forty (40) linear feet of road frontage or curb, unless otherwise specified by this Code (see Figure 2-8).

- i. In the Estate District, street trees may be planted in irregular clusters within the front yard setbacks.
- ii. Street trees are not required in the Agricultural Zone.
- iii. Street trees along parks and open space shall conform to the requirements of Section 2.11.4(a).

**Figure 2-8**

**Spacing of Street Trees**



**Provide one tree for every 40' of block frontage or portion thereof. Space trees to account for mature spread.**

(b) Collector and local streets: The developer shall install tree lawns with live groundcover, including a combination of grass, flowers, shrubs, street trees, and mulch. The developer shall also install an automatic irrigation system that conforms to requirements noted in the Town of Frederick Design Standards and Construction Specifications (adopted December 13, 2007, as amended).

(c) Arterial streets: The developer shall install tree lawns with live groundcover, including a combination of grass, flowers, street trees, planter beds, ornamental structures, paving and one (1) shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. The developer shall also install an automatic irrigation system that conforms to the approved version of the Town of Frederick Design Standards and Construction Specifications ~~(adopted December 13, 2007, as amended)~~.

(d) Landscaping for required common open space shall be provided by the developer. Landscaping shall be appropriate to the use and function of the area and



include trees, shrubs, groundcover, irrigation (where necessary) and paving in conformance with the approved version of the Town of Frederick Design Standards and Construction Specifications ~~(adopted December 13, 2007, as amended)~~.

(e) Each development shall provide a mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping, such as a homeowners or business owners association and covenants.

b. Utilities. Landscape and utility plans shall be coordinated. The following sets forth minimum dimension requirements for the most common tree and utility separations. Exceptions to these requirements may occur where utilities are not located in their standard designated locations, or as approved by the Town. Tree and utility separations shall not be used as a means of avoiding the planting of required street trees.

(1) Forty (40) feet between shade trees and streetlights and fifteen (15) feet between ornamental trees and streetlights.

(2) Fifteen (15) feet between trees and water, sewer mains, and gas collection lines.

(3) Six (6) feet between trees and water, sewer, and gas service lines.

(4) Street trees on local streets planted within five (5) feet of underground utility easements may root near underground utilities. Additional conduit may be required to minimize damage to trees when servicing underground utility lines.

c. Irrigation. An underground automatic irrigation system shall be installed to meet the requirements of the planted material. Such systems shall be zoned appropriately for the planted material and serviced by a controller capable of accommodating water restrictions and weather conditions, installed by the developer, and zoned appropriately for the planted material, except:

(1) Certified Xeriscape landscaping which does not require any irrigation for survival.

(2) Trees and other plants used to landscape a residential local street parkway abutting lots for single-family detached dwellings.

d. Water Conservation. All landscaping plans shall be designed to incorporate water conservation materials and techniques through application of Xeriscape landscaping principles. Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed covered or infested surfaces or any landscaping that does not comply with the standards of this Section of the Code.

e. Parks and Open Space. See also Section 2.11 of the Land Use Code.

f. Parking areas and parking lot landscaping standards. Parking lot landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development, block winter winds, and enhance the overall appearance of each project.

(1) Applicability – All parking lots with ten (10) spaces or more shall be subject to these requirements.

(2) The developer or assigns shall provide landscaping to break up expanses of pavement as follows:

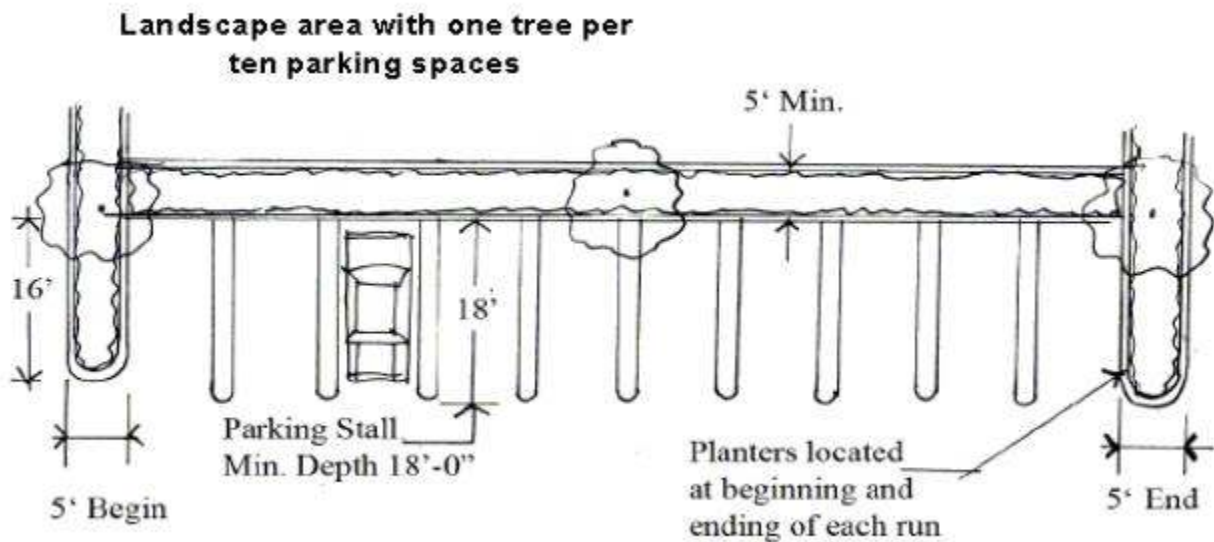
(a) Landscape islands: There shall be a minimum of one (1) landscape island for every ten (10) parking spaces. Landscape islands shall contain one tree and a



minimum of one hundred and sixty (160) square feet of planting area and at the beginning and end of each run and every 30 spaces. Landscape islands may be attached to a pathway. Tree islands (as shown in Figure 2-9(a) and (b)) shall have a minimum of sixteen (16) square feet of area dedicated to tree growth and must be developed with a root management system that minimized damage to the parking area while preserving plant health.

(b) Tree canopy: At minimum, there shall be one tree for every landscape island. In addition, there shall be a minimum of one (1) tree for every ten (10) parking stalls. Double sided parking areas shall require two trees. See Figure 2-9 (a) and (b).

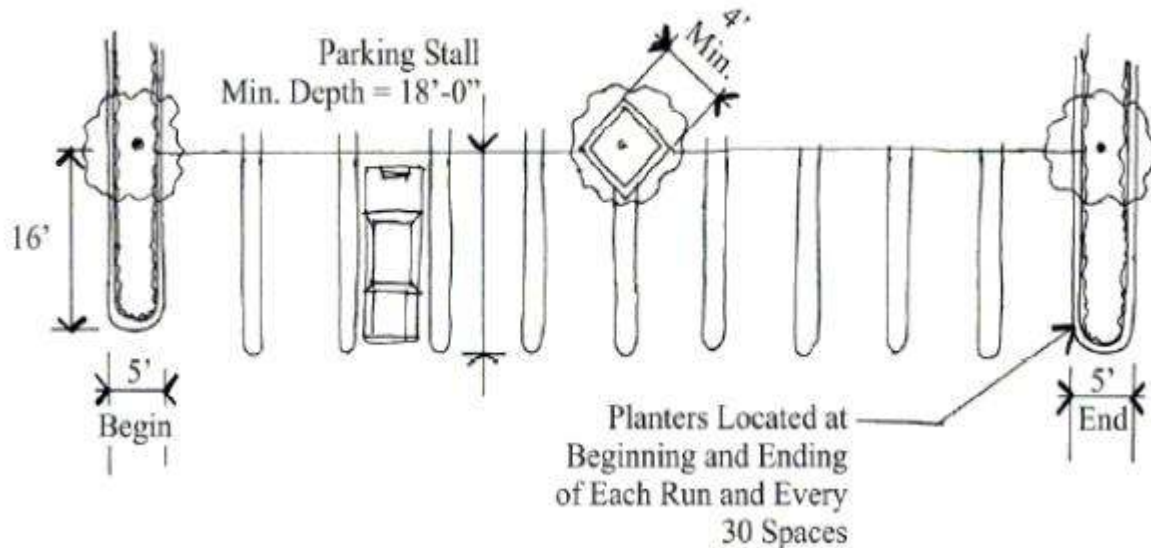
**Figure 2-9(a)**





**Figure 2-9(b)**

**Landscape area with one tree per  
ten parking spaces**



(3) Under-story plantings. Under-story planting shall be provided to buffer sites and soften views. At a minimum, there shall be one (1) shrub per seventy-five (75) square feet of island and landscaped area adjacent to and within the parking lot. Shrubs should generally be group plantings in landscape islands. Ornamental ground cover may be substituted for one fourth (1/4) of the required shrubs, provided parking areas are screened and buffered from public rights-of-way, and as approved by Town Staff.

(4) Turf grass and groundcover. Turf grass shall be limited to areas that are a minimum of ten (10) feet wide or otherwise easily maintained. Ground cover shall be used in areas where turf grass is not practical. Ground covers, forbs, and vines shall be spaced to provide eighty (80) percent ground cover within three (3) years.

(a) Trees within turf areas shall be protected by a mulch ring, maintained at a minimum radius of eighteen (18) inches around the base of the tree and a minimum of three (3) inches deep. Mulch rings protect roots from adverse weather conditions, maintain moisture, minimize weed growth and protect tree trunks from damage by weed trimming. Mulch within the mulch ring is recommended to be replaced annually, typically during the fall.

(5) Mulch. No less than seventy-five (75) percent of any planter bed shall be organic. Manmade mulch products such as recycled tires, ground up glass, and the like, are not permitted. Mulch beds shall be underlain by a weed barrier. Organic mulches shall be applied at one (1) cubic yard per eighty (80) square feet of area and maintain a minimum depth of three (3) inches. At minimum, organic mulches are recommended to be replaced every three (3) years.

(6) Ornamental use of rock, gravel mulch, and crushed rock (breeze), shall not exceed fifteen (15) percent of the total landscaped area within and adjacent to the parking lot. Where it is used, it shall include living material such as trees and shrubs that



will tolerate heat and evaporation caused by rock mulch and gravel. Crushed rock (breeze) may exceed fifteen percent (15%) of the landscaped area if used as a trail or pathway, as approved by the Town.

(7) Landscape setback to parking lot. There shall be a minimum of a twenty-five (25) foot landscape buffer and setback maintained from the edge of right-of-way for adjacent arterial and collector streets. The purpose of the setback is to provide a buffer between the street and parking areas and to soften the view of the parking from the street. This setback may be reduced to ten (10) feet if used in combination with a three (3) foot or taller articulated masonry or stone decorative wall with trees, shrubs, and ground cover on both sides of the wall (see Section 2.16). Signage may be included in this setback. Site distance triangle requirements shall be maintained.

(8) Provide a mechanism for long-term maintenance of landscaping. All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

g. Gateway Landscape Standards. Developments adjacent to arterial streets such as Highway 52, Highway 119, Colorado Boulevard, Aggregate Boulevard, Bella Rosa Parkway, and Tipple Parkway shall conform to the Gateway Landscape Standards set forth in this Section.

(1) Landscape setback. A minimum landscape setback of thirty (30) feet shall be provided from the edge of rights-of-way. No building, parking, or drive shall be permitted within the landscape setback. Signage may be included in this setback, provided it conforms to Article 7 of the Land Use Code and applicable site triangle requirements. This setback may be reduced to fifteen (15) feet if used in combination with a three (3) foot tall or taller articulated masonry or stone decorative wall with trees, shrubs, and ground cover planted on both sides of the wall.

(a) The landscape setback shall contain sufficient landscaping to promote visual interest, screen parking and service areas, and buffer site development from the noise and visual impact of the adjacent roadway. The quantity and general distribution of plants shall conform to the minimum requirements of the zoning district and other applicable requirements in this Code. Internal and external views of significant cultural, economic, or natural features are to be preserved while plantings are placed to meet the screening requirements of Section 2.16. Distribution of the landscape features and addition plantings may be required by the Town to ensure that views of significant cultural, economic, or natural features are preserved and framed.

(2) Street trees. Street trees along these corridors may be combined and distributed into a regular massing of trees, shrubs, and ornamental plantings as required interspersed with other surface applications and improvements including character or seasonal lighting, art work, landscape structures, and to promote community identify, harmony, traffic calming, and visual interest as reviewed and approved by Town Staff.

(3) Planted Medians. Developers shall provide landscape medians for traffic calming and community character on all arterials that intersect with Highway 52 and Highway 119.

(a) Medians shall extend a minimum of one quarter (1/4) quarter mile from the intersection, as approved by the Town.



(b) Medians shall be designed with a raised splash pan and maintain consistency with the character of the improvements on Colorado Boulevard near Highway 52, as approved by the Town in terms of articulation and design features.

(c) Medians shall be landscaped as follows:

i. Planter bed. No less than one half of the required median shall consist of landscaped area and planter bed. The landscaping shall be contained within a planter bed of organic mulch and maintained as required by the Land Use Code.

ii. Trees. Trees within medians shall be spaced in accordance with the street tree requirements for the adjacent zoning district. When these requirements conflict, the more restrictive shall govern. Fewer median trees may be placed to ensure that views of significant cultural, economic, or natural features are preserved and framed. Each median tree removed for view preservation shall be replaced by ten shrubs.

iii. Shrubs. Shrubs shall be provided at a ratio of one shrub per seventy (75) square feet of landscaped area.

iv. Ground cover. The judicious use of ornamental ground cover is required. Turf grass or lawn area shall not be permitted.

v. Irrigation. All landscaping shall be irrigated by an underground irrigation system. Water shall be provided by the adjacent owners association.

vi. Works of art and site features. Lighted exhibit space for works of art and site features are required within the medians. The installation of works of art and site features are encouraged and may substitute for other aspects of the parks and open space requirements as approved by the Board of Trustees.

(d) Medians shall be lighted in a fashion that is similar to the character of the improvements on Colorado Boulevard near Highway 52, as approved by the Town.

i. Medians shall be installed by the Developer. Construction and installation costs may be shared by adjacent developments.

ii. Medians shall be maintained by the Town.

iii. In some instances, additional rights-of-way may be required to accommodate installation of the median.

(5) In locations where a landscape master plan has been approved by the Town, such as adjacent to Colorado Boulevard, landscaping shall be substantially consistent with the approved master plan.

(a) General parameters of the gateway landscaping requirements:

Each mile of tree lawn requires one hundred thirty-two (132) trees, four hundred forty-four (440) shrubs, three-thousand four-hundred (3,400) perennial plants, and lawn or sod. Shrubs and perennials shall be contained within shrub or mulch beds. Additional landscaping is required along the outer edge of the tree lawns, sidewalk, and rights-of-way as noted in the landscape requirements for each zoning district.

(b) General parameters of the median landscaping requirements for gateway medians shall conform to the tree lawn requirements; however organic mulch shall substitute for turf grass or sod areas.

(6) Roads intersecting with the I-25 Frontage roads are not required to have landscaped medians; however the other applicable requirements of the gateways standards shall apply along the I-25 frontage.



h. Site Plan, Conditional Uses and Special Use Reviews. Site Plans, Conditional Use and Special Use Reviews shall include a landscape plan as noted in Section 2.14 of the Land Use Code.

(1) Site Plans and Conditional Use landscaping shall be designed as appropriate to the use and requirements of this Code.

(2) For Special Use Reviews, an operations area screening and landscape plan and or a post abandonment reclamation and landscape plan may be required by town staff on a case by case basis. Landscape and screening requirements shall be based on the adjacent uses, needs of the neighborhood, and anticipated development as noted in the Comprehensive Plan. Landscaping requirements may range from reclamation of native grass to screening oil and gas facilities with trees shrubs fencing and other elements, to installation of a landscaped park or open space upon abandonment of the oil and gas facilities and well site.

(3) If a business is proposing to amend their site plan and the site does not meet the current landscape requirements, the business will be required to increase the landscaping based on the percent increase in the size of the building. For example, if the business is expanding its building by five percent (5%), then the landscaped area will be required to be increased by five percent (5%).

i. Subdivisions. All subdivisions shall provide the following:

(1) Each phase of the subdivision shall provide a landscape plan as follows:

(a) Conceptual landscape plan (submit with sketch plan). Intent: to illustrate the overall design concept for landscaping and depict how it relates to the overall site development and adjacent planned or existing development.

(b) Preliminary landscape plan (submit with preliminary plat). Intent: to illustrate the master landscape plan for the development.

(c) Final landscape plan (submit with final plat). Intent: to ensure that each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.

i. The Final Landscape Plan shall constitute a Landscape Master Plan for the development.

Table 2-8			
LANDSCAPE PLAN			
Type of Application	Conceptual Landscape Plan	Preliminary Landscape Plan	Final Landscape Plan
Sketch Plan	X		
Preliminary Plat/PUD		X	
Final Plat/PUD			X

j. Right-of-way landscaping is required for adjacent streets and highways.

(a) The minimum requirements for landscaping the rights-of-way include the placement of street trees and landscaping within the tree lawn, gateway monumentation, all parks, trails, parking areas, outlots, recreational space, art work, or other features in accordance with the provisions of the Land Use Code. In some instances this requires additional landscape setback as defined by the Code.



k. Landscaping shall buffer more intensive areas from less intensive areas in accordance with the provisions of the Land Use Code and as required by the Town. This may require landscaping treatments that exceeds the minimum requirements of the Code.

7. Additional landscape requirements by zoning district.

a. General guidelines.

(1) Irrigation. All required landscaping shall be irrigated with an automatic underground sprinkler system, connected to a backflow prevention device. Such systems shall be zoned appropriately for the planted material and serviced by a controller capable of accommodating water restrictions and adjusting for weather conditions.

(2) Planter and mulch beds. Mulch is required for all planter beds. Manmade mulch products, such as recycled tires, ground glass, and the like, are not permitted. Mulch or planter beds shall be underlain by a weed barrier. Organic mulches shall be applied at one (1) cubic yard per eighty square (80) feet of area and maintain a minimum depth of three inches (3"). At minimum, organic mulches are recommended to be replaced every three (3) years. Planting in planter and mulch beds shall be designed to provide seventy-five (75%) coverage by live plant material such as flowers, shrubs, ground cover within three (3) years.

(3) Community gardens and orchards. If a community vegetable garden is desired, such garden shall be placed in the rear yard of the property unless, due to extenuating circumstances such as poor sunlight or poor access another location is more applicable and approved by the Town. Gardens that are visible from public lands, roads, or rights-of-way may be screened by shrubs and shall be kept in good order, maintained weed and rodent free, and arranged to prevent loss of soil from wind or water erosion. Community vegetable gardens or orchards may be approved by the Parks Open Space Committee based on a recommendation by the Planning Department adjacent to open space or park areas on a case-by-case basis.

(4) Ponds, water bodies, fountains, etc. Ponds, water bodies, or fountains over eighteen inches (18") deep or five feet (5') in girth require prior approval by the Town and may not be within the minimum required setback or an easement.

b. Single-family residential (R-1, ~~and R-MH1~~, and R-MH2) landscaping development standards.

(1) In addition to the landscaping requirements as noted in Section 2.14.6, above, the developer or assigns shall provide:

(a) Front yard landscaping extending from the fence line or front yard setback line (whichever is greater), to the front edge of the property, sidewalk and back-of-curb (whichever is greater):

i. Turf. Excluding the driveway and sidewalk, the front yard shall be covered by no less than fifty percent (50%) drought tolerant turf grass. In addition, no less than an additional twenty-five percent (25%) of the front yard shall be covered in other live plant materials such as ground cover, shrubs, ornamental grass, etc. located between the dwelling and the back of curb or edge of road and contained in a planter bed, unless otherwise approved by the Town.

ii. Shrubs. There shall be a minimum of five (5) shrubs, for the front yard setback of each home. Additional shrubs may further the intent of these provisions



and are encouraged provided view triangle requirements are maintained. Shrubs shall be contained within a planter bed.

iii. Trees. There shall be no less than one (1) tree in addition to the minimum required street tree within the front yard unless otherwise approved by the Town. Additional tree plantings may further the intent of these provisions and are encouraged provided view triangle requirements are maintained. It is recommended that a mulch ring or planter bed be maintained at the base of all trees to promote tree health and minimize damage from yard maintenance.

iv. Decorative rock or gravel. Decorative rock or gravel mulch is permitted within three feet (3') of the building foundation and shall be underlain by a weed barrier. Plantings are not required within the foundation buffer. In no case shall decorative rock or gravel mulch exceed fifteen percent (15%) of landscaped area within the front yard unless otherwise approved by the Town.

(2) Additional requirements for corner lots. Side yard landscaping on corner lots shall extend to the edge of the property or sidewalk and back-of-curb (whichever is greater):

(a) Turf. Excluding sidewalks, there shall be no less than fifty percent (50%) coverage in drought tolerant turf grass within the side yard of the lot. In addition, no less than an additional twenty-five percent (25%) of the side lot shall be covered in other live plant materials such as ground cover, shrubs, ornamental grass, flowers, etc. located between the dwelling and the curb / edge or road, unless otherwise approved by the Town.

(b) Side yard shrubs. A minimum of three (3) shrubs are required for side yards if adjacent to an alley or street in addition to the minimum required shrubs for the front yard. Additional shrubs may further the intent of these provisions and are encouraged provided view triangle requirements are maintained. Shrubs shall be contained within a planter bed.

(c) Side yard tree. All corner lots adjacent to a street or alley shall provide a side yard tree in addition to the required street tree, unless otherwise approved by the Town. It is recommended that side yard trees be ornamental. Additional tree plantings may further the intent of these provisions and are encouraged provided view triangle requirements are maintained.

(3) Additional Requirements for the R-MH1 Zone.

(a) Within the R-MH1 zone, the on-site tree shall be replaced by one (1) ornamental tree. In addition, there shall be no less than seven (7) shrubs required in the front of each dwelling unit. Dwellings located at intersections, along public thoroughfares, and open space shall be buffered by an additional tree and three (3) shrubs as applicable.

(4) The lot owner shall:

(a) Install remainder of yard, and is encouraged to plant additional trees, shrubs and flowers, etc., using low water plants and techniques to promote energy and resource efficiency as generally set forth in this Section.

~~(b) Not cover any~~ (b) Not cover any No more than twenty-five percent (25%) of any yard area may be covered in decorative rock or gravel.

(c) Maintain a minimum of twenty percent (20%) of the yard in a pervious condition.



b. Medium and high density residential zoning district (R-2, and R-3 zones) landscaping standards.

(1) In addition to right-of-way and parking lot landscaping (see Section 2.14.6.a), the developer or assigns shall provide:

(a) Landscape area and open space: No less than twenty percent (20%) of the site shall be maintained as landscaped area. Each development within these zones shall provide a recreational amenity as approved by Town staff and in accordance with Section 2.11 of the Land Use Code. Right-of-way landscaping is required for adjacent streets and highways, but is not included in the required twenty percent (20%) landscape area calculation.

(b) Plantings: Turf grass, ground covers, shrubs, and trees shall be provided to buffer sites, soften views, promote energy efficiency and minimize water consumption.

i. Turf grass and groundcover: There shall be a minimum of seventy-five percent (75%) live materials between the front of the dwelling or structure and the curb unless approved by the Town, and no less than forty percent (40%) of the required landscaped area shall be maintained as drought tolerant turf grass, unless otherwise approved by the Town. In addition, no less than an additional twenty-five percent (25%) of landscaped area shall be covered in other live plant materials such as ground cover, shrubs, ornamental grass, etc. Turf grass shall be limited to areas that are a minimum of ten feet (10') wide or otherwise easily maintained. Ground cover shall be used in areas where turf grass is not practical. Ground covers, vines, or native plants shall be spaced to provide eighty percent ground cover within three years of planting. No portion of the site shall remain void of vegetation or landscape cover.

ii. Trees and shrubs. There shall be a minimum of two (2) trees and four (4) shrubs per one thousand (1,000) square feet of landscaped area, distributed on the site. One (1) tree may be substituted for four (4) shrubs, or vice-versa provided the development meets screening, buffering, and other landscape requirements of the Code.

Where appropriate, use native grass for areas that will not function as active recreation areas. Non-ornamental native grass areas shall be weed-free and maintained at a maximum height of eight inches (8").

iii. Decorative rock or gravel much is permitted within ten feet (10') of the building foundation. Plantings are not required within the foundation buffer. In other applications, decorative rock or gravel mulch may not exceed fifteen percent (15%) of the total landscaped area unless otherwise approved by the Town. When decorative rock is used, it must be combined with hardy plantings capable of withstanding the heat and evaporation caused by rock mulch.

c. Estate District and Agricultural District (R-E and A) development landscaping standards. Each home shall be landscaped using a combination of turf grass, ground cover, ornamental grass and shrubs, and trees designed to retain a naturalized character while maintaining consistency with the Town landscape requirements.

(1) In addition to landscaping the right-of-way tree lawn as noted in Section 2.14.6.a, the developer or assigns shall provide landscaping in accordance with the following minimum and maximum requirements.

(a) Turf grass. No less than one third (1/3rd) of the front yard shall consist of drought tolerant turf grass up to 6,000 sq. ft. The remaining yard shall be



maintained weed free native drought tolerant vegetation, unless otherwise approved by the Town.

(b) Ground cover. Ground cover in combination with irrigated and native grasses, wildflowers, shrubs, and trees as appropriate to the design of the individual home. The minimum number of required shrubs is ten (10), located between the dwelling and adjacent roadway.

(c) Decorative rock. Decorative rock or gravel mulch is permitted within five feet (5) of the building foundation. Plantings are not required within the foundation buffer. Organic mulch is preferred within landscape beds. In no case shall decorative rock or gravel mulch exceed fifteen percent (15%) of landscaped area within the front and side yards (if adjacent to a street or alley) unless otherwise approved by the Town. When decorative rock is used, it must be combined with hardy plantings capable of withstanding the heat and evaporation caused by rock mulch.

(d) Trees. The developer shall provide a minimum number of two (2) trees in the front yard, located between the dwelling and adjacent roadway.

(e) Shrubs. The developer shall provide a minimum of five (5) shrubs for the front yard of each lot. Corner lots shall provide for a minimum of four (4) additional shrubs between the dwelling and the access way.

(2) The lot owner shall:

(a) Install remainder of yard, and is encouraged to plant additional trees, shrubs and flowers using Xeriscape principles and promote energy and resource efficiency as generally set forth in this Section of the Code.

(b) Maintain the yard and landscaping within their parcel and the adjacent right-of-way to the edge of curb or road in accordance with Town Code. No portion of the lot or adjacent public land, right-of-way, or landscape area may remain denuded, void of vegetation or in an unkempt condition.

(3) Vegetable gardens. Except in the Agricultural district, if a personal vegetable garden is desired, such garden shall be placed in the rear yard of the property unless, due to extenuating circumstances such as shade or poor access another location is more applicable and approved by the Town. Gardens that are visible from public lands, roads, or rights of way may be screened by shrubs and shall be kept in good order, maintained weed and rodent free, and arranged to prevent loss of soil from wind or water erosion.

(a) Private, non-profit, and commercial agricultural operations in the Agricultural District are exempt from this requirement.

d. Commercial landscaping standards for the Downtown Commercial, Neighborhood Commercial, Community Commercial, and Mixed Use Highway 52 Zoning Districts (C-D, C-N, C-C, and C-H52). Urban landscaping within a commercial zone is intended to provide an attractive environment for people to walk and shop, buffer unsightly views and uses, and link the structure to the ground and surrounding development. Accordingly landscaping shall be integrated into the site design to soften views, provide visual relief, variety, interest, color and texture, and buffer adverse environmental conditions such as summer heat and winter winds, as well as screen service areas and utilities.

(1) In addition to landscaping requirements noted in Section 2.14.6 above at minimum, the developer or assigns shall provide:



(a) Site specific landscaping area. Each lot or parcel within these districts shall provide a minimum of fifteen percent (15%) landscaped area, excluding sidewalks, drives, and parking areas. No more than fifteen percent (15%) of the land dedicated to storm water management (such as grass swale or detention pond) may count toward the minimum required landscape area. This landscaped area is in addition to any public open space land dedication provided at the time of subdivision. Right-of-way landscaping is required for adjacent streets and highways, but is not included in the calculation for minimum required landscape area. Right-of-way and parks or open space landscaping is required, but is not included in the minimum required fifteen percent (15%) calculation.

(b) Street trees: Street trees are required spaced at one (1) tree per forty (40) feet of curb length or street frontage for all perimeter streets.

(c) Site trees. Site trees are required at one (1) tree per one thousand-five hundred 1,500 square feet of landscaped area. Within the original Town site, site trees shall be planted as practical for the development and in character to the neighboring properties.

(d) Shrubs, flowers, and ground cover: There shall be one shrub per every one hundred fifty (150) square feet of landscape area and turf or ground cover encompassing no less than ten percent (10%) of the site. Within the original Town site, shrubs, flowers, and ground cover shall be planted as practical for the development.

(e) Raised planter beds, benches, street lights, walls, etc., are required as appropriate to enhance building entries and the streetscape.

(f) Gateway features. Thematic gateway and plaza features that minimize corporate influences while promoting consistency with the character of the Town and promoting an urban landscape are required.

(g) Decorative Rock and gravel. The use of decorative rock or gravel mulch shall be minimized to prevent the potential for vandalism. Organic mulch is preferred within landscape beds. In no case shall decorative rock or gravel mulch exceed fifteen percent (15%) of landscaped area unless otherwise approved by the Town. When decorative rock is used in the planter bed, it shall be combined with hardy plantings capable of withstanding the heat and evaporation caused by rock mulch.

(h) Gateway Projects. Developments adjacent to and visible from I-25, Highway 52, Colorado Boulevard, Aggregate Boulevard, Bella Rosa Parkway, and Tipple Parkway shall also conform to the Gateway Landscape Standards set forth in Section 2.14.6.g of the Land Use Code

(i) A landscape buffer shall be provided between developments within this zone and less intensive uses, in accordance with Section 2.15 of the Land Use Code.

(j) Loading, service, storage, and utility areas. Loading areas (including vehicles being loaded), service, and storage areas are not to be visible from the public right-of-way or adjacent property and shall be shielded from view with an opaque screen that is an integral part of the building architecture and landscaping as defined in Section 2.15.3.

e. Employment District (C-E) landscaping standards. Employment District landscaping is intended to provide an attractive environment for people to work in an urban campus like environment. Accordingly landscaping shall be integrated into the site design to soften views, provide visual relief, provide variety, interest, color and texture,



and buffer adverse environmental conditions such as summer heat and winter winds, as well as screen service areas and utilities.

(1) In addition to meeting the landscaping requirements as noted in Section 2.14.6, at minimum, the developer or assigns shall provide:

(a) Site specific landscaping area. Each lot or parcel within these districts shall provide a minimum of fifteen percent (15%) of the gross site as landscaped area, excluding sidewalks, drives, parking areas, and parking lot landscaping. This landscaped area is in addition to any public open space land dedication provided at the time of subdivision. Right-of-way landscaping is required for adjacent streets and highways, but is not included in the calculation for minimum required landscape area. No more than ten percent (10%) of the lands dedicated to storm water management may count toward the minimum landscaping requirement. Waivers to the height requirements within this zone may be granted by the Board of Trustees provided a proportional increase in landscaped open space and recreational or pocket park areas are provided. Right-of-way landscaping is required for adjacent streets and highways, but is not included in the minimum required fifteen percent (15%) calculation.

(b) Street Trees: Street trees spaced at one (1) tree per forty (40) feet of curb length / street frontage.

(c) Site Trees: Site trees are required at one (1) per every two-thousand (2,000) square feet of landscaped area. Up to one fourth (1/4) of the required site trees may be substituted by shrubs at a ratio of ten (10) shrubs per each substituted site tree.

(d) Shrubs, flowers and ground cover: Shrubs, flowers, and ground cover shall encompass no less than fifteen percent (15%) of the required landscape area. Plants shall be placed in planter beds. There shall be one (1) shrub per every one-hundred (100) square feet of planter bed. Up to one-half (1/2) of the required shrubs may be substituted by site trees at a ratio of one (1) tree per ten (10) required shrubs.

(e) Planter Bed: Planter beds shall be mulched with organic materials. Raised planter beds, benches, street lights, walls, etc., shall be provided as appropriate to enhance building entries, pedestrian walk ways, and the streetscape.

Manmade mulch products, such as recycled tires and the like, are not permitted. Planter or mulch beds shall be underlain by a weed barrier. Organic mulches shall be applied at one (1) cubic yard per eighty (80) square feet of area and maintain a minimum depth of three inches (3").

(f) Decorative rock or gravel: Decorative rock or gravel mulch is permitted within fifteen feet (15) of the building foundation. Organic mulch is preferred within landscape beds. In no case shall decorative rock or gravel mulch exceed fifteen percent (15%) of landscaped area within the front and side yards (if adjacent to a street or alley) unless otherwise approved by the Town.

(g) Gateway projects: Developments adjacent to and visible from I-25, Highway 52, Colorado Boulevard, Aggregate Boulevard, Bella Rosa Parkway, and Tipple Parkway shall also conform to the Gateway Landscape Standards set forth in Section 2.14.6.g of the Land Use Code.

(h) Landscape buffer: A landscape buffer shall be provided between developments within this zone and less intensive uses (see Section 2.15).

(i) Loading, service, storage and utility areas. Loading areas (including vehicles being loaded), service and storage areas are not to be visible from the public



right-of-way or adjacent property and shall be shielded from view with an opaque screen that is an integral part of the building architecture and landscaping (see Section 2.15.3).

f. Business Light Industrial and Industrial Zoning districts (BLI and I).

(1) Site specific landscaping area. Each lot or parcel within these districts shall provide a minimum of twenty percent (20%) of the development site (gross land area) shall be landscaped area. This landscaped area is in addition to any public open space land dedication provided at the time of subdivision. Right-of-way landscaping is required for adjacent streets and highways, but is not included in the calculation for minimum required landscape area. Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site and travel through or by the site and adjacent land uses.

(2) In addition to the landscaping requirements noted in Section 2.14.6 at minimum, the developer or assigns shall provide:

(a) Street trees: Street trees are required spaced at one (1) tree per forty (40) feet of curb length / street frontage. Developments located along a gateway corridor shall comply with the gateway landscape requirements noted in Section 2.14.6 of the Land Use Code.

(b) Site trees: Site trees are required at one per every two thousand (2,000) square feet of landscaped area, distributed on the site. Up to one fourth (1/4) of the required site trees may be substituted by shrubs at a ratio of ten (10) shrubs per each substituted site tree.

(c) Shrubs: Shrubs, flowers, and ground cover shall consist of no less than fifteen percent (15%) of the landscape area. Plants shall be placed in planted beds. There shall be one (1) shrub per every one-hundred fifty (150) square feet of planter bed. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-third (1/3) of the required shrubs at the rate of one (1) tree for five (5) shrubs. Up to one-third (1/3) of the required shrubs may be substituted by site trees at a ratio of one (1) tree per ten (10) required shrubs.

(d) Groundcover. Establish drought tolerant irrigated turf grass covering no less than ten (10) percent of the landscape area. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials between the building and the street unless approved by the Town.

(e) Building entries and streetscapes. Raised planter beds, benches, street lights, walls, etc., shall be provided as appropriate to enhance building entries and the streetscape.

(f) Decorative rock. Decorative rock or gravel mulch is permitted within fifteen feet of the building foundation. Organic mulch is preferred within landscape beds. In no case shall decorative rock or gravel mulch exceed fifteen percent (15%) of landscaped area within the front and side yards (if adjacent to a street or alley) unless otherwise approved by the Town. All rock mulch or decorative rock areas shall be planted with trees and shrubs. However, plantings are not required within the foundation buffer.



(g) View Corridors. Developments adjacent arterials such as Highway 52, Colorado Boulevard, Aggregate Boulevard, Bella Rosa Parkway, and Tipple Parkway shall also conform to the Gateway Landscape Standards set forth in Section 2.14.6 of the Land Use Code

(h) Landscape Buffer. A landscape buffer shall be provided between developments within this zone and less intensive uses. See buffering requirements in Section 2.15 of the Land Use Code.

(i) Loading Areas. Loading areas (including vehicles being loaded), service and storage areas visible from the public right-of-way or adjacent property shall be screened with an opaque screen that is an integral part of the building architecture and landscaping. Particular care shall be made to screen storage, service and utility areas from I-25, Highway 52, and any adjacent arterial road (see Section 2.15.3).

(j) Outdoor Storage area. Outdoor storage areas shall be screened through the combination of fencing, landscaping, walls, and architectural elements. The use of chain link within the industrial zone, while permitted, shall not be located within areas that are visible to adjacent properties or rights-of-way. Particular care shall be made to screen storage, service and utility areas from I-25, Highway 52, and any adjacent arterial road (see Section 2.15).

8. Mitigation. Healthy, mature trees that are removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed tree.

a. A significant tree that is removed shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed significant tree. The applicant shall select a qualified landscape appraiser to determine such loss based upon an appraisal of the tree to be removed by using the most recent published methods established by the Council of Tree and Landscape Appraisers. Replacement trees shall meet the following minimum size requirements:

(1) Canopy Shade Trees three inch (3.0") caliper balled and burlap or equivalent.

(2) Ornamental Trees two and one half inch (2.5") caliper balled and burlap or equivalent.

(3) Evergreen Trees eight foot (8') height balled and burlap or equivalent.

(4) Plants that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection:

(a) Dead, dying, or naturally fallen trees, or trees found to be a threat to public health, safety, welfare, or property;

(b) Trees that are determined by the city to substantially obstruct clear visibility at driveways and intersections;

(c) Plant species that are listed by the State as noxious or invasive or determined to be a nuisance such as cotton-bearing cottonwood, Siberian elm, Russian olive and female box-elder, or known to be poisonous. Native cotton-bearing cottonwood trees and female box-elder trees, when located in a natural area buffer zone, are not nuisance tree species.

9. Submittal standards for all landscape plans. All land development applications will be accompanied by the appropriate landscape plan.

a. Submitted landscape plans shall include:



(1) Hydrozones must be identified on all landscape plans. The four (4) hydrozones are defined as:

- i. High Hydrozone: eighteen (18) gallons/s.f./season;
- ii. Moderate Hydrozone: ten (10) gallons/s.f./season;
- iii. Low Hydrozone: three (3) gallons/s.f./season;
- iv. Very Low Hydrozone: zero (0) gallons/s.f./season.

(2) High hydrozones shall not exceed fifty percent (50%) of the landscape area, except for right-of-ways, parks and other areas as approved by the Town.

(3) The total annual water use shall not exceed an average of fifteen (15) gallons/square foot over the site; including all hydrozones.

(4) A note calling for mulch; a minimum depth of three inches (3") to a maximum of five inches (5").

(5) A detailed irrigation plan is required to be submitted at the same time as the landscape plan.

(6) A Water Budget Chart that shows a maximum overall water need of fifteen (15) gallons per square foot over the site.

b. The minimum required information for all landscape plan is provided in the following Table 2-9.

Table 2-9			
REQUIRED LANDSCAPE PLAN INFORMATION			
Information Required	Concept	Preliminary	Final
Scale, north arrow, site boundary	Y	Y	Y
Existing and proposed streets		Y	Y
Existing and proposed utilities and easements		Y	Y
Existing contours (2' intervals), can be USGS for conceptual landscape plan	Y	Y	Y
General grading concepts detailed for proposed improvements, with typical cross-sections of streets and special treatment areas		Y	
Existing and Proposed contours at two foot (2') intervals. With earth work calculations.		Y	Y
Description of the design intention. Describe the general character and location of proposed landscaping and open space and how it meets the purpose of these regulations			
The landscape plan shall be on a separate page from the plat map or site plan and shall include square footages and percent	Y	Y	Y



<p><b>Table 2-9</b></p> <p><b>REQUIRED LANDSCAPE PLAN INFORMATION</b></p>			
<b>Information Required</b>	<b>Concept</b>	<b>Preliminary</b>	<b>Final</b>
coverage for all site features such as permeable and impermeable surfaces, landscape area, building and parking foot print, etc. The plan shall be scaled sufficient for readability.			
Illustrate how the open space network and pedestrian circulation system will function and connect to adjacent existing and proposed development.	Y	Y	Y
Show existing and proposed site features including ditches, trees, shrubs and groundcovers and any drainage ways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed.	Y	Y	Y
Show the proposed landscaping including: trees, shrubs, groundcover, walks, and fences. Show which plantings are deciduous and evergreen.	Y	Y	Y
Indicate which areas will be irrigated and method of irrigation		Y	Y
Detail drawings for all proposed improvements including but not limited to irrigation plans, signs, walls, site features, etc.		Y	Y
Define areas to be considered open space and if they will be public or private. Indicate how open space will be maintained including: erosion control, re-vegetation, and weed management both during and after construction.		Y	Y
Dimensioned construction drawings.		Y	Y
Detailed planting plan indicating location, species, size and quantity of all proposed plantings and groundcover. Improvements shall be			Y



<p style="text-align: center;"><b>Table 2-9</b></p> <p style="text-align: center;"><b>REQUIRED LANDSCAPE PLAN INFORMATION</b></p>			
<b>Information Required</b>	<b>Concept</b>	<b>Preliminary</b>	<b>Final</b>
shown in their final location and mature size. Include a plant list in chart form and description of the type and location of improvements such as groundcover, walks, fences, and mulches. Include a cost estimate for all improvements. (This may be submitted as a separate sheet and is not required on the plans.)			
Construction and maintenance specifications.			Y
Hydro-zone information and irrigation plan			Y
Any additional information noted in the applicable portion of Appendix A and this Code.	Y	Y	Y

10. Storm drainage facilities.

a. Intent. The intent of this Subsection is to promote innovative and effective land and water management techniques that protect and enhance water quality.

b. General provisions.

(1) Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.

(2) It shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.

(3) Portions of the storm drainage facilities may function as parks or open space if they include improvements for active recreation, trail corridors, or habitat enhancement areas as noted in the park and landscape requirements of this Code (see Section 2.11).

(4) The use of planting strips and shallow landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff (See Figure 2-10).



**Figure 2-10**  
**Storm Drainage**



**Develop storm drainage systems as landscape amenities which can enhance the overall project.**

c. Minimum requirements.

(1) All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and native wildflowers. The developer is responsible for establishment of a complete, weed-free stand of native grass.

(2) Maximum side slope on drainage facilities shall be 4:1. Side and bottom slopes shall be reduced to rise to run ratio of 1:4 if used for recreational purposes.

(3) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, and other amenities located so they do not impair the function of the facility.

(4) Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.

d. Ownership and maintenance. All drainage facilities shall be owned and maintained by the landowner or owners' association.

11. Alternative compliance. Should the developer propose an alternative landscape plan that meets the intent of the standards identified above, the Planning Director may approve the alternative plan. (Ord. 1145 §§ 12, 13 (Exh. A), 2013)



**2.15 Buffering and screening techniques.**

1. Intent. It is the intent of this Section to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping, and appropriate architectural elements.

2. General provisions.

a. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to ensure that the transition from one (1) use to another is attractive, functional, and minimizes conflicts between the current and planned uses.

b. It is the responsibility of the developer of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment, and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting, and traffic. See Figure 2-10.

c. Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case-by-case basis.

d. Landscaping intended to provide buffering and screening shall be maintained in a healthy condition, trimmed, and pruned as appropriate for the plant type.

e. Dead plant material shall be removed and/or replaced as appropriate when so ordered by the Building Inspector or Community Service Officer according to Municipal Code Chapter 7, Article II.

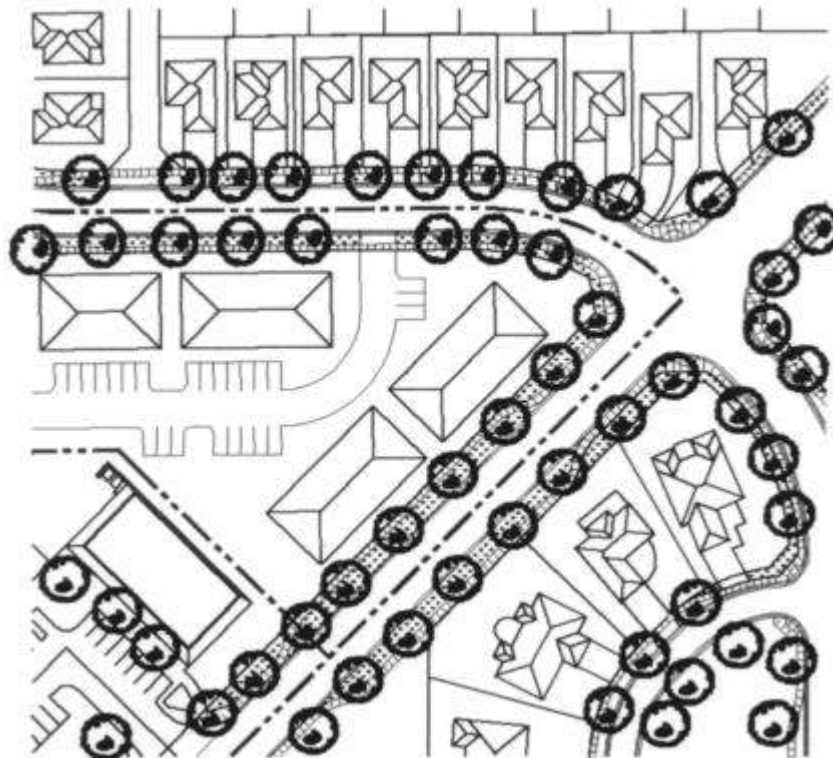
f. Landscaping shall not encroach upon sidewalks or street rights-of-way.

g. Prohibitions:

(1) Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

(2) Chain link fencing with or without slats shall not be used for screening purposes.



**Figure 2-10****Integration of Land Uses**

**Integrate adjacent land use through appropriate:**

- **Building orientation and setback**
  - **Landscaping**
  - **Access**
- **Architectural elements**

3. Location and screening of required loading and service areas.

- a. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
- b. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping; and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

4. Trash/refuse/recycling areas.



a. The following regulations shall apply to all development except for one (1) family and two (2) family dwellings:

(1) Each lot or tract containing a principal structure shall provide a designated trash collection or compaction area, and may designate a recycling area, which shall be located and designed to ensure adequate on-site maneuvering area for collection vehicles.

(2) Trash collection/compacting and recycling collection shall be located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and

(3) Constructed to allow for collection without damage to the development site or the collection vehicle.

b. All such trash/refuse/recycling areas shall be screened to prevent them from being visible to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located;

(2) Occupants, customers, or other invitees located within any building on nonresidential property other than that where the trash collection/compacting and recycling collection is located; and

(3) Persons traveling on any public street, sidewalk, or other public way.

5. Buffering and screening land uses.

a. When a property is developed with multiple land uses, buffer areas must be provided between residential and non-residential zones. The minimum allowable buffer area is fifteen (15) feet.

b. All air conditioning, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties through the use of roof elements and landscaping.

c. When excess weight vehicles, recreational vehicles, and utility trailers are stored on private property in accordance with this Code and Frederick Municipal Code Chapter 8, Article III, Sections 8-41 and 8-42, screening is required to limit visual exposure from adjoining properties. Screening may be accomplished with a combination of fencing and landscaping.

d. Outdoor Storage areas. Outdoor storage areas shall be screened through a combination of fencing, landscaping, walls, and architectural elements. Particular care shall be made to screen storage, service, and utility areas from I-25, Highway 52, and any adjacent arterial road.

e. Parking lots shall be appropriately screened with landscaping to prevent headlights from shining into less intensive land uses. (Ord. 1145 § 14 (Exh. A), 2013)



**2.17 Residential architecture (single-family and multi-family dwellings).**

1. Intent. Architecture plays an important part in developing an identity for neighborhoods and dwellings. Thus, the Town wants to build upon the architectural traditions of the region, yet allow for diversity of expression. In addition, the Town wants to encourage a variety of housing types, sizes, and prices in each neighborhood to allow people to remain in their neighborhoods, as their housing needs change.

2. Housing diversity/neighborhood identity. Housing diversity is an important goal for new residential development in the Town. In support of this, the integration of detached and attached single-family dwellings, and multi-family dwellings, within neighborhoods, even in the same block, is encouraged.

3. Prohibited buildings in the residential zoning districts.

a. Metal buildings are not permitted in a residentially zoned neighborhood.

b. Clear span buildings are not permitted in a residentially zoned

neighborhood.

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3. Single-family detached and duplex dwellings. The intent of this Section is to build a significant proportion of single-family detached and duplex dwellings with architectural designs that relate homes to the street, create diversity and variety along residential streets, have front porches, rear-loaded garages or alternatively loaded street-accessed garages, and that reflect traditional Colorado styles and neighborhoods, as well as more modern designs.

a. Streetscape diversity. Single-family detached and duplex building requirements are intended to ensure that an adequate mix of models and styles are offered within a neighborhood and within each block face. Prior to the issuance of a building permit, the building permit applicant shall illustrate, how the new home will comply with the requirements set forth in this Section.

b. Model diversity.

(1) Each block face shall contain at least three (3) different models or duplex buildings that have significant variations in exterior elevations and massing. Differentiation in models requires all of the following variations:

- (a) Massing;
- (b) Size;
- (c) Color scheme;
- (d) Use of exterior material;
- (e) Garage component (at street-access condition); and
- (f) Garage access (at street-access condition).

(2) Each block face shall contain no more than two (2) of the same model or duplex building with the same architectural style.

(3) Significant variation in the range of wall colors on a block face is encouraged. Use different colors on adjacent building facades and the home across the street.

(4) Each block face shall contain at least three (3) roof colors.

(5) The same model with the same architectural style shall not be placed adjacent to each other or directly across the street from one another.

(6) At least one-third (1/3) of the buildings on each block face shall have a front porch.



c. Stylistic diversity. Each model or duplex building shall have at least two (2) architectural styles and color schemes. This requires:

- (1) Distinctly different roof forms/lines/profiles.
- (2) Distinctly different facade compositions consisting of:
  - (a) Different window and door style and placement;
  - (b) Different garage and entryway locations.
- (3) Distinctly different entry treatments and locations including porches, columns, etc.
- (4) Different number of stories.

Changing roof or siding materials and colors, adding garages, providing "mirror images" of models, or different elevations of the same model do not constitute distinctly different models.

d. Enhancements at corners. At corners, buildings shall address the side street or open space. Corner lots shall be wide enough to allow for side elevation enhancements. At least two (2) of the following enhancements are required:

- (1) A side- or wrap-around porch, or a bay window. Wrap-around porches are encouraged.
- (2) Windows or glazed doors that face the side street or open space.
- (3) A change in the vertical or horizontal wall plane.
- (4) Brackets, projections, belt courses, or other such details.

e. Architectural style. New residential architecture shall resemble the architecture commonly found in Colorado neighborhoods as well as more modern designs. The goal is to create the memorable character, identity, and appeal that these neighborhoods display, not to provide exact replicas of historic buildings.

f. Massing. The mass of a house or duplex should strongly reflect its architectural style and be scaled to provide visual interest and depth, reduce boxiness, and achieve an articulated form on all four (4) sides.

g. Roof. The roof forms and pitches of a house or duplex shall strongly reflect its architectural style. In general, a simple dominant roof form should be used in combination with complementary secondary and minor roof forms and elements.

- (1) Roof overhangs, eaves, fascias, and soffit detail shall be detailed appropriately for the architectural style of the building.
- (2) The character and placement of dormers, when used, shall also reflect the architectural style of the building.

h. Covered entries and porches.

- (1) A covered entryway for the front door is encouraged.
- (2) Porch designs shall reflect the architectural style of the building. Where provided, a porch shall be at least six (6) feet deep, eight (8) feet wide, and be defined by a railing, columns or similar architectural features that are scaled and detailed to reflect their style.
- (3) Raised porch floors, sixteen (16) inches or more above the finished grade, are encouraged.

i. Exterior embellishments.

- (1) Bays, projections, brackets, trim, and material changes that are appropriate for the expression of the architectural style of a building are encouraged.
- (2) Highly reflective materials are not allowed.



j. Exterior color. The skillful use of color variation is especially important. Monotonous color palettes are strongly discouraged.

(1) Strong colors should be muted shades or tints of the pure hue to ensure that colors are subdued. High gloss paints are discouraged. Use saturated color hues sparingly as accents.

(2) Primary or other bright colors should be used sparingly and only as accents.

(3) Wall, trim, accent, roof, and masonry colors shall be coordinated.

(4) Generally, corner trim should be of similar or lighter value than the main body color.

k. Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have variety and that garages do not dominate homes and streets. For the purpose of this section, street-facing shall include all dwelling units facing onto public rights-of-way and private driveways or streets.

(1) At least fifty (50) percent of the dwellings located on any block face shall have garages that are either:

(a) Recessed or flush with the street-facing facade of the living area of the dwelling, provided the living area is at least twelve (12) feet wide;

(b) Recessed or flush with the street-facing facade of an unenclosed, covered porch, provided the area of the porch is at least sixty (60) square feet; or

(c) Side-loaded (garage doors are perpendicular to the front lot line).

(2) No garage with street-facing doors shall protrude more than six (6) feet from the street-facing facade of a first story living area (measuring at least twelve (12) feet wide) or from a first story unenclosed, covered porch (measuring at least sixty (60) square feet and at least ten (10) feet wide. No more than three (3) adjacent dwellings located on the same block face shall have a protruding garage with street-facing doors.

(3) When garage doors are other than street-facing (e.g., the doors face a side or rear lot line), the side of the garage facing the street shall include windows or other architectural details that mimic the features of the living area portion of the dwelling.

(4) Garage doors shall not comprise more than fifty (50) percent of the street-facing linear building frontage, except that garage doors located on the side of a dwelling facing a side yard street may comprise up to two-thirds ( $2/3$ ) of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the linear distance between the outer edges of the door(s), including any wall area separating two or more garage doors that is less than (2) feet wide.

(5) For new development on a lot or parcel where the existing dwelling has been removed, the replacement dwelling and garage shall comply with the standards this article.

(6) Building permit applicants shall demonstrate on the application that the garage for a dwelling complies with these standards.

(7) The Planning Director may accept alternative garage door treatments, orientation, or design, through review of a minor modification if:

(a) The configuration of the lot or other existing physical conditions of the lot make the application of these standards impractical; and

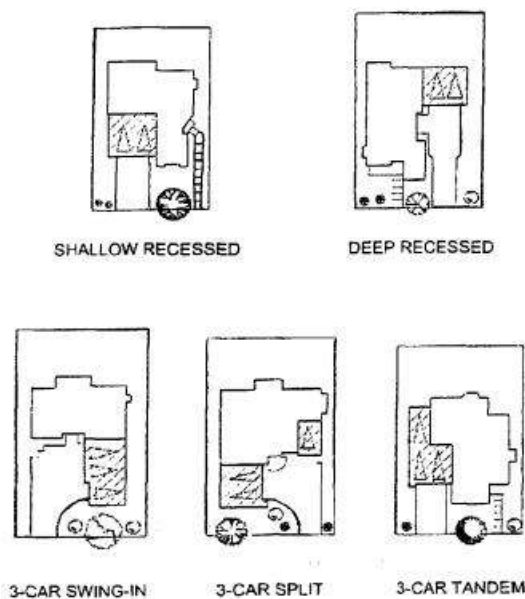


(b) The proposed design alternative substantially meets the intent of this section to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of residential buildings.

**Figure 2-11**

**Allowed Types of Street-Accessed**

**Single-Family Residential Garages**



4. Single-family attached housing, including four-plexes and townhomes. The intent of this Section is to build single-family attached homes with architectural designs that relate buildings to the street, and that achieve a harmonious balance between repetition and variety.

a. Individual dwelling identity. When a single-family attached project is proposed, the developer shall work to create visual variety and, at the same time, promote an integrated character for the project.

b. Building design.

(1) Architectural detailing, horizontal off-sets, architectural window details, and other features shall be provided on all sides of the building to avoid blank walls. All sides of all buildings shall be designed with quality materials (360 degree architecture).

(2) Vertical and horizontal elements shall be used in contrast to one another. Contrast and interest are affected by offering exterior selections that emphasize a dominant building material but include complementary materials and colors.

(3) Buildings shall incorporate visually heavier and more massive elements at their bases, and lighter elements above these components.



(4) For projects with multiple buildings, variety shall be used in site orientation and among buildings to avoid a "barracks" appearance.

(5) Two or more distinct building models shall be required for projects with three to six buildings.

(6) For projects with more than six buildings, a minimum of three distinct building models shall be required.

(7) Fireplace "box-outs" shall extend vertically from ground level to meet the roofline and avoid a "tacked-on" look.

c. Exterior building materials and colors.

(1) Building materials for single-family attached developments should be of a high quality as approved by the Town. Suggested exterior wall materials include natural wood, stucco, brick, and stone. In general, due to the imposing nature of many multi-dwelling unit buildings, the exterior materials should reflect subdued colors and muted tones. In general roof material colors should be darker and warm, earth-toned hues that accent and complement other building colors.

d. Garages. To add visual interest and avoid the effect of a long blank wall with no relation to human scale, accessibility needs, or internal divisions within a multi-family building, the following standards for minimum articulation shall apply.

(1) Perimeter garages.

(a) Any garage located with its rear wall along the perimeter of a multi-family development and within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty-five (55) feet in length. A minimum of ten (10) feet of landscaping shall be provided between any two (2) such perimeter garages.

(b) No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:

- i. Change in wall plane of at least six (6) inches;
- ii. Change in material or masonry pattern;
- iii. Change in roof plane;
- iv. Windows;
- v. Doorways;
- vi. False door or window openings defined by frames, sills, and

lintels; and/or

vii. An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

(2) All garages.

(a) Rear doorways shall be provided as reasonably necessary to allow direct access to living units without requiring persons to walk around the garage to access living units.

(b) At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls.

5. Multi-family housing, including condominiums and apartments. The intent of this Section is to build multi-family stacked units that achieve a harmonious balance between repetition and variety with a residential style. Each multi-family dwelling containing more than three (3) dwelling units shall feature a variety of massing proportions, wall plane



proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:

a. Individual building identity. For all developments of three (3) or more multi-family stacked buildings, a floor plan may be repeated; however, identical building facades must not be replicated more than twice within the development.

b. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by at least two (2) of any of the following elements within every thirty-six-foot length of the facade.

- (1) Recesses, projections or significant offsets in the wall plane;
- (2) Distinct, individualized, and covered entrances;
- (3) Chimneys that project from the wall plane;
- (4) Balconies and/or other outdoor living space; or
- (5) Bay or box windows.

c. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:

- (1) Changes in plane and elevations;
- (2) Dormers, gables or clerestories; or
- (3) Transitions to secondary roofs over entrances, garages, porches or bay windows.

d. Exterior building materials and colors.

(1) Building materials for multi-family developments should be of a high quality as approved by the Town. Suggested exterior wall materials include natural wood, stucco, brick, and stone. In general, due to the imposing nature of many multi-dwelling unit buildings, the exterior materials should reflect subdued colors and muted tones. In general roof material colors should be darker and warm, earth-toned hues that accent and complement other building colors.

e. Garages. To add visual interest and avoid the effect of a long blank wall with no relation to human scale, accessibility needs, or internal divisions within a multi-family building, the following standards for minimum articulation shall apply:

(1) Perimeter Garages

(a) Any garage located with its rear wall along the perimeter of a multi-family development and within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty-five (55) feet in length. A minimum of ten (10) feet of landscaping shall be provided between any two (2) such perimeter garages.

(b) No rear garage wall that faces a street or adjacent development shall exceed thirty (30) feet in length without including at least one (1) of the following in at least two (2) locations:

- i. Change in wall plane of at least six (6) inches;
- ii. Change in material or masonry pattern;
- iii. Change in roof plane;
- iv. Windows;
- v. Doorways;



vi. False door or window openings defined by frames, sills, and lintels; and/or

vii. An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

(2) All garages.

(a) Rear doorways shall be provided as reasonably necessary to allow direct access to living units without requiring persons to walk around the garage to access living units.

(b) At a minimum, a vertical trim detail that subdivides the overall siding pattern shall be provided at intervals not to exceed two (2) internal parking stalls.



**2.18 Commercial and industrial architecture.**

1. Purpose and intent. The following standards are intended to enhance the appearance of buildings and promote a high quality of design in order to protect the public health, safety, and welfare. The intent of these standards is to:

- a. Encourage greater design compatibility with surrounding areas and establish a precedent for high quality design in areas with no established character;
- b. Achieve greater architectural variation and interest through standards for the design of roofs, exterior walls, and the use of exterior finish materials;
- c. Encourage greater architectural cohesiveness and compatibility within a new development of multiple buildings; and
- d. Reduce the negative visual impact of features and site improvements such as mechanical equipment.

2. General application

a. New construction. These standards shall apply to new construction of buildings and structures as specified in the following sections.

b. Improvement to existing structures and development sites.

(1) These standards shall apply to existing buildings only when a proposed building expansion exceeds twenty-five (25) percent of the existing floor area measured on a cumulative basis starting from the date of the adoption of this Section. For example, if a business owner increases the gross floor area by five (5) percent each year, for five (5) years beginning on the date of adoption of the Section, the provisions of the Section shall apply when the gross floor area has increase by twenty-five (25) percent in the fifth year.

(2) It is intended that a building expansion subject to these standards be reasonably integrated with the existing structure or site condition consistent with these standards.

(3) These standards shall not be construed to necessitate improvement to existing buildings or site conditions beyond those necessary to integrate the proposed improvement with existing conditions in a manner consistent with these standards.

c. Development or permit applications. These standards shall not apply to any complete development, zoning, or building permit application submitted or approved prior to the adoption of these standards.

3. Compliance. The following definitions apply to both Commercial and Industrial Standards.

a. Type 1 Standards. Compliance with the Type 1 standards set forth in this Section is mandatory, unless a waiver is granted pursuant to Section 4.7.8.

b. Type 2 Standards. Compliance with the Type 2 standards set forth in this Section is mandatory, unless the Planning Director grants alternative compliance in accordance with the following provisions.

(1) The Planning Director may allow application of an alternative standard, different than a Type 2 standard, provided the Planning Director determines that:

(a) Site-specific, physical constraints necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standard; or



(b) The alternative standard achieves the intent of the subject Type 2 standard to the same or greater degree than the subject standard, and results in equivalent or greater benefits to the community as would compliance with the subject standard.

(2) Statement of findings. Whenever the Planning Director grants alternative compliance, the Planning Director shall formulate a written statement of findings based on the above criteria for such action. Such statement shall be filed in the development application file.

(3) Appeals. Decisions by the Planning Director with respect to such alternative compliance may be appealed to the Board of Directors in accordance with Section 4.7.7.

4. General provisions.

a. Connections. Non-residential developments must be linked with surrounding areas by extending town streets, sidewalks, and/or walk paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle, and vehicle access to and from all sides of the development.

b. Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize the following:

- (1) Pedestrian access to the site and buildings;
- (2) Gathering areas for people; and
- (3) Auto access and parking lots.

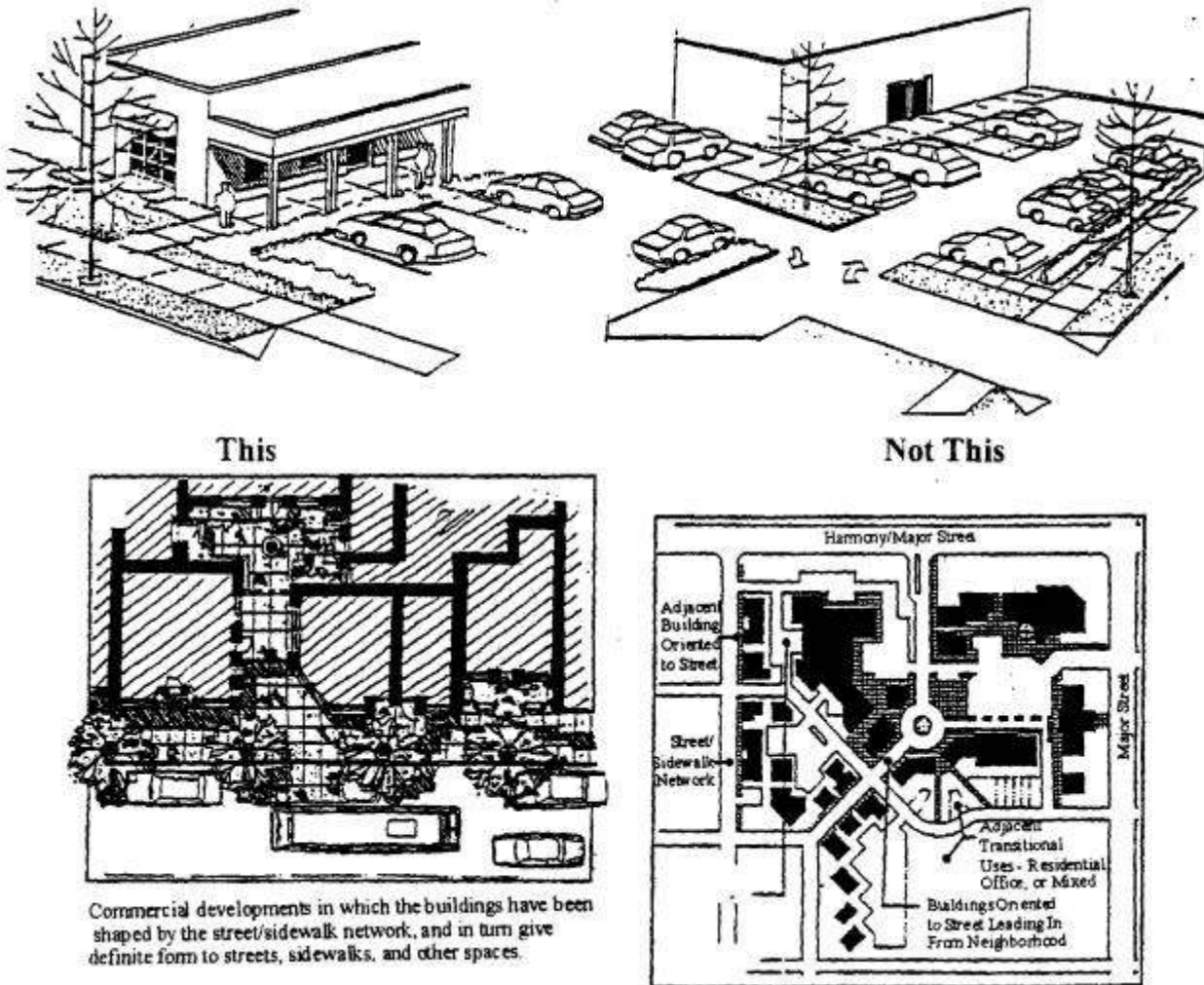
c. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.

d. Building orientation. Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented streetfront. In the case of large buildings for employment, storage, or auto-related uses, where greater setbacks are needed, a minimum of thirty (30) percent of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort. See Figure 2-12.



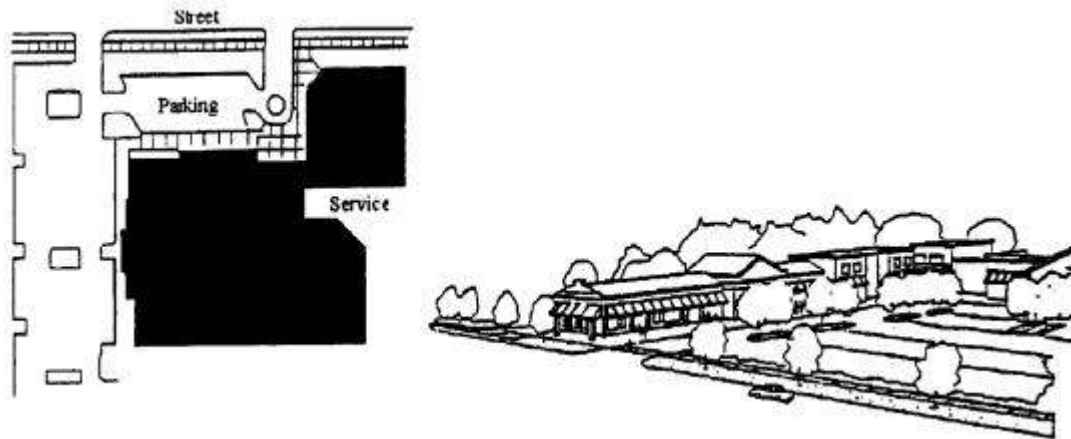
**Figure 2-12**

**Examples of Neighborhood Commercial Setback**





**Illustrations from City of Fort Collins, *Design Standards and Guidelines for All Commercial Development*, March 1996 (reprinted with permission).**



**Illustration from City of Fort Collins, *Design Standards and Guidelines for All Commercial Development*, March 1996 (reprinted with permission).**

e. Pedestrian scale. The establishment of buildings on isolated "pad sites" surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is discouraged. Even relatively massive development can be configured into "blocks" or other spaces proportioned on a human scale and city block scale; and need not be proportioned on a monolithic, auto-oriented scale.

f. Blank walls. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.

g. Wall articulation.

(1) Walls shall not have an uninterrupted length exceeding fifty (50) feet. A combination of pilasters, texture transitions, windows and stepping of the wall plane are required.

(2) All exterior elevations shall maintain the integrity of the adjacent buildings' architectural character and detailing.

(3) Continuous cornice lines or eaves are encouraged between adjacent buildings.

(4) Buildings with flat roofs shall provide a parapet with an articulated cornice.

h. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other waterproofed fabrics and metal or aluminum may be used where appropriate.

i. Screening. All air conditions units, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements and landscaping. In addition, all trash facilities and loading and parking areas shall be properly screened as outlined in Section 2.15.

5. Commercial (non-industrial) architectural standards.

a. Application.



(1) The following standards apply to all commercially zoned projects, including Downtown Commercial, Neighborhood Commercial, Community Commercial, Mixed Use Highway 52, and Employment. In the case of commercially zoned projects with a Planned Urban Development (PUD) overlay, standards may be different or more stringent than those set forth in this Section. These standards shall not apply to buildings located in industrially zoned areas, except as provided herein.

(2) These standards shall apply to buildings in industrially zoned projects that are located on sites adjacent to an arterial roadway, when fifty (50) percent or more of the building gross floor area or use is devoted to a non-industrial use. Non-industrial uses include uses such as office, retail goods or services, restaurants, or institutional use. In calculating the use devoted to such non-industrial use, any outdoor area devoted to the display of goods for sale shall be included in the calculation of area devoted to non-industrial use. For such buildings in industrially zoned projects, exterior portions of the building enclosing such non-industrial space shall comply with the commercial architectural standards in this Section. Exterior portions of such buildings enclosing space devoted primarily to industrial uses, such as manufacturing or warehouse space, are exempt from application of commercial architectural standards in this Section.

(3) It is intended that these standards apply to the primary facade of the building and that all sides of building, where visible from public rights-of-way and private roads or service drives or adjacent residential neighborhoods, shall include design characteristics and materials consistent with those of the primary facade, except as provided in paragraph 2.18.5.b below. Also, standards specified in Section 2.18.5 shall be limited to the facade and walls as specified in that Section.

b. Exceptions. The Planning Director may waive the application of the standards set forth in this Section in cases where the visibility of side or rear walls of the building is substantially diminished by landscaping, or by a decorative screening wall, or earthen berm combined with landscaping, located between the building wall and any such right-of-way or adjacent property. A waiver may also be considered in cases where the distance of the building from the right-of-way or adjacent property, and/or intervening structures or other landscape features, diminish the visibility of the proposed structure in a manner consistent with the intent of this paragraph. Landscape screening shall be designed to be at least sixty (60) percent opaque to a height of six (6) feet upon installation and a minimum of eighty (80) percent opaque to a height of six feet within five (5) years of planting. Such landscaping shall consist of primarily evergreen plant material to provide year-round screening. The required landscaping shall be maintained in healthy condition by the current owner. In the event any required landscaping material dies or is destroyed, it shall be replaced by the owner within six (6) months. Replacement material shall conform to the original intent of the approved landscape plan. Waiver requests may be forwarded to the Board of Trustees for their decision in accordance with Section 4.7.8.

c. Design compatibility.

(1) Type 2 Standards:

(a) Building design shall contribute to the special or unique characteristics of an area and/or development through the use of predominant building massing and scale, building materials, architectural elements and color palette.

(b) Design compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor



spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development.

(c) Where there is no established or consistent neighborhood, area character, or unifying theme, or where it is not desirable to continue the existing character because it does not reflect a design theme consistent with the architectural standards as described in this chapter, the proposed development shall be designed to establish an attractive image and set a standard of quality for future developments and buildings within the area. Greater attention to design with respect to design compatibility standards in this paragraph shall be required in areas of high visibility, such as community entryways and arterial and collector roadways.

d. Building design elements.

(1) Type 2 Standards: All buildings shall be designed and maintained using the following building elements, with a minimum of one (1) item each selected from four (4) of the five (5) groups below:

(a) Group 1 – exterior wall articulation.

i. Openings or elements simulating openings that occupy at least twenty (20) percent of the wall surface area (excluding overhead or dock doors); or

ii. Building bays created by columns, ribs, pilasters, or piers or an equivalent element that divides a wall into smaller proportions or segments with elements being at least one (1) foot in width, a minimum depth of eight (8) inches, and spaced at intervals of no more than twenty five (25) percent of the exterior building walls. For buildings over twenty thousand (20,000) square feet in floor area, such elements shall be at least eighteen (18) inches in width, with a minimum depth of twelve (12) inches, and spaced at intervals of no more than twenty (20) percent of the exterior building walls; or

iii. A recognizable base treatment of the wall consisting of thicker walls, ledges, or sills using integrally textured and colored materials such as stone, masonry, or a decorative concrete; or

iv. Some other architectural feature that breaks up the exterior horizontal and vertical mass of the wall in a manner equivalent to (i), (ii), or (iii) above.

(b) Group 2 – roof articulation.

i. Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs, or pitched roofs with at least two (2) roof line elevation changes; or

ii. Some other architectural feature or treatment which breaks up the exterior horizontal and vertical mass of the roof in a manner equivalent to (i) above.

(c) Group 3 – building openings, walkways, and entrances.

i. Canopies or awnings over at least thirty (30) percent of the openings of the building; or

ii. Covered walkways, porticos and/or arcades covering at least thirty (30) percent of the horizontal length of the front facade; or

iii. Raised cornice parapets over entries; or

iv. Some other architectural feature or treatment which adds definition to the building openings, walkways, or entrances in a manner equivalent to (i),



(d) Group 4 – building materials. (The area of windows and doors, including overhead doors, shall be excluded from the wall area calculation for the following standards.)

i. At least two (2) kinds of materials distinctively different in texture or masonry pattern, at least one of which is decorative block, brick, or stone, with each of the required materials covering at least twenty-five (25) percent of the exterior walls of the building; or

ii. Brick or stone (including synthetic stone) covering at least fifty (50) percent of the exterior walls of the building.

(e) Group 5 – other architectural definition.

i. Overhanging eaves extending at least twenty-four (24) inches past the supporting walls, or with flat roofs, cornice parapets, or capstone finish; or

ii. Ornamental lighting fixtures (excluding neon) for all exterior building lighting; or

iii. A feature that adds architectural definition to the building, in a manner equivalent to (i) or (ii) above.

e. Articulation of Walls.

(1) Type 2 Standard: Building fronts and any wall of the building facing any road or public or private service drive, greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plan projections or recesses having a depth of at least four (4) percent of the length of the facade, extending at least twenty (20) percent of the length of the facade.

(2) No uninterrupted length of any facade shall exceed fifty (50) horizontal feet. Acceptable interruptions include pilasters, texture transitions, windows, and awnings.

f. Delivery/Loading Doors and Docks. Type 2 Standard: No delivery, loading dock, or trash removal door or facility shall be located on the main street facing facade of the building. Any such door or facility located on the side or rear wall of the building shall be screened in accordance with the provisions of Section 2.15. For sites that have road frontage on multiple sides, these facilities shall be located in the least obtrusive manner, preferably on a non-road facing side of the building, or the road frontage that has the least public visibility.

g. Rooftop Mechanical Units. Type 2 Standard: Rooftop mechanical units and other miscellaneous rooftop equipment shall be substantially screened from view from public rights-of-way and other public places. Screening materials shall be of the same or comparable material, texture, and color as the materials used on the building. Roof-mounted equipment screening shall be constructed as an encompassing monolithic unit, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.

h. Cart Storage and Vending Machines. Type 2 Standard: Cart storage areas, vending machines, and video and book return containers shall be placed inside the principal building, placed in an accessory structure designed to complement the principal building, or screened with walls and landscaping.



i. Multi-building Developments. Type 1 Standard: Developments with multiple buildings shall include predominance characteristics in each building so that the buildings within the development appear to be part of a cohesive, planned area, yet are not monotonous in design. Predominant characteristics may include use of the same or similar architectural style, materials, and colors.

j. Building Entrances. Type 1 Standard: Primary public entrances shall be clearly defined and recessed and projected or framed by elements such as awnings, arcades, porticos, or other architectural features.

k. Building Colors.

(1) Type 1 Standard: Colors shall be used to blend buildings into an area and to unify elements of a development. Color should be drawn from the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area. Monotonous or monochromatic color palettes are strongly discouraged. Primary or other bright colors should be used sparingly and only as accents. Accent colors used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with predominant building base colors and may be incorporated using such elements as shutters, window mullions, building trim and awnings.

(2) Type 2 Standard: Accent colors shall cover no more than five (5) percent of a building facade.

l. Franchise Architecture. Type 1 Standard: Prototypical or franchise architectural designs may be required to be modified to meet these architectural standards. Changes to prototypical franchise styles to meet these standards may include, but not be limited to, modifications to roofs, windows, doors, building mass, materials, colors, placement of architectural features and details, etc. Care should be taken to ensure that such modifications comply with Section 2.18.5.c. Design Compatibility. Franchise architectural styles found to meet these standards will not require any modification.

m. Type 2 Standard: Illumination highlighting the entire facade of a building, or a significant portion of the building, or back lighted translucent awnings intended to function as signage, shall not be permitted as part of a building design. This standard is not intended to preclude the use of lighting (including neon lighting) to accent limited portions of the building facade.

n. Metal Siding. Metal siding may be used as an exterior finish material as long as the amount used does not exceed twenty-five (25) percent of the area of any single wall, exclusive of the roof, and provided it matches or complements the building color and/or material scheme. Further, such metal siding shall be a "standing seam" type or equivalent quality, not a "corrugated" type. Architectural metals, such as bronze, brass, copper, and wrought iron, may be used and may exceed the twenty-five (25) percent area limit.

6. Industrial architectural standards.

a. Purpose and intent. These standards are intended to apply to industrial buildings on sites adjacent to major roads (as defined in Section 2.18.6.b), because of the visibility of such development and its impact on the image and character of the community. Industrial development that is adjacent to collector or local roads is not



subject to the following standards; however, it is subject to the standards set forth in Section 2.18.5.d.

b. Application. Standards in this section apply to all industrially zoned projects, including Business Light Industrial and Industrial. In the case of industrially zoned projects with a planned urban development (PUD) overlay, standards may be different or more stringent than those set forth in this Section.

(1) Subsection 2.18.2 General Application, which addresses how standards apply to new construction and existing buildings and Section 2.18.3 Compliance, regarding the application of Type 1 and Type 2 Standards, shall apply to standards in this Section.

c. Type 2 Standard: Metal shall not comprise more than twenty-five (25) percent of the exterior building finish material on walls (roof excluded) of industrial buildings.

(1) Metal siding includes any form of metal exterior finish material, including corrugated or standing seam metal siding. The Planning Director may permit metals such as bronze, brass, copper, and wrought iron, in excess of the twenty-five (25) percent limitation if a determination is made that such materials are equal or superior to the primary building materials.

(2) Industrial buildings shall also comply with the standards set forth in Section 2.18.5 Commercial Architectural Standards paragraphs: c. Design Compatibility, e. Articulation of Walls, f. Delivery/Loading Doors and Docks, g. Rooftop Mechanical Units, k. Building Colors, and m. Illumination.

7. Downtown architectural standards.

a. Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections, including cornices, balconies, canopies and entry features, may encroach into public rights-of-way, subject to permits as required by the Town's Code.

b. Multi-story, mixed-use structures. Commercial uses contained in multi-story (two- and three-story) mixed-use structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels are encouraged. Such buildings shall vary in terms of footprint and architectural elevations. The maximum ground level footprint of a commercial building shall be five thousand (5,000) square feet.

c. Facade treatments. Large buildings shall be articulated or designed to resemble the character and scale of the original downtown buildings, with each facade twenty-five (25) feet or less.

d. Entries. Transparent entries and large store front windows are strongly encouraged. Recessed and other styles of window openings are desired.

e. Windows. Street-level storefront windows are strongly encouraged. Office and residential windows organized in a generally regular pattern are encouraged.

f. Awnings/canopies. Awnings or canopies which provide a generally consistent cover along the pedestrian walk are strongly encouraged. Arcades are desired to maintain a more continuous weather-protected walk.



**A Resolution of the Planning Commission Recommending Approval of  
Amendments to the Town of Frederick Land Use Code**

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Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 Amendments to Land Use Code Articles 1, 2, and 3 have been considered.

1.2 Said amendments generally conform with the applicable requirements of  
Section 4.7.9.b. of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the  
Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission  
recommends approval of the application.

This resolution approved this 1<sup>st</sup> day of April, 2014, by a vote of 4 to 0.



Don Hard, Chairman, Planning Commission



**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1167**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
ARTICLES 1 AND 2 OF THE FREDERICK LAND USE CODE, 2004 THROUGH  
ADOPTION OF THE “2014 LAND USE CODE REVISIONS”; AMENDING  
CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN  
CONNECTION WITH THE ADOPTION; AND REPEALING ALL  
ORDINANCES IN CONFLICT THEREWITH.**

**WHEREAS**, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Land Use Code, 2004, to improve and expedite the procedure to regulate land use and development within the Town and to clarify the community design standards, zoning and subdivision regulations, and specific use tables in the present land use codes, as previously adopted; and

**WHEREAS**, on April 1, 2014 the Frederick Planning Commission held a public hearing to review the subject revisions to the Land Use Code, and approved those revisions pursuant to Resolution PCR-14-02A.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Section 1.15 of the Frederick Land Use Code, 2004, is hereby amended by the adoption of definitions for the following terms, to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference:

- *Archery range*
- *Crematorium or crematory*
- *Pervious surface*
- *Shooting range*
- *Shooting range, indoor*
- *Shooting range, outdoor*

**Section 2.** The definitions of *Assisted living facility*, *Recreational vehicle (RV)*, *Resubdivision or replat*, *Rural road*, *Site distance triangle*, and *Zone district* appearing in Section 1.15 of the Frederick Land Use Code, 2004, are hereby repealed in their entirety, and re-enacted to read as set forth on Exhibit A hereto.

**Section 3.** All references in Sections 2.7, 2.11, and 2.12 of the Frederick Land Use Code, 2004, are hereby amended to change Town of Frederick Design Standards and Construction Specifications, December 13, 2007 to the approved version of the Town of Frederick Design Standards and Construction Specifications.



**Section 4.** Sections 2.7.1, Intent, of the Frederick Land Use Code, 2004, are hereby repealed in their entirety and re-enacted to read as set forth on Exhibit A hereto.

**Section 5.** Section 2.7.2.a, Street Connections, of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.

**Section 6.** Section 2.7.2.1, Intersections, is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 7.** 2.7.2.n(1)(c)ii. of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.

**Section 8.** Section 2.8.6.b.(1) is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 9.** Section 2.8.6.c. is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 10.** Section 2.8 of the Frederick Land Use Code, 2004 is amended with the addition of Section 2.8.9 as set forth on Exhibit A hereto.

**Section 11.** Sections 2.11.9.c. through 2.11.9.c.(3)(a) are hereby amended as set forth on Exhibit A hereto.

**Section 12.** Section 2.14.7.b is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 13.** Section 2.15.5.d. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 14.** Insert Section 2.17.3 into the Frederick Land Use Code, 2004, to read as set forth on Exhibit A hereto, and re-number following sections accordingly.

**Section 15.** Section 2.18.4.g. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 16.** Section 2.18.5.k.(1). is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 17. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section 19. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the



ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

**Section 20. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 22<sup>nd</sup> DAY of APRIL, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

\_\_\_\_\_  
Tony Carey, Mayor



## **EXHIBIT A**

2014 LAND USE CODE REVISIONS,  
as approved by the Frederick Planning Commission on April 1, 2014

### **Numbering System:**

There are 27 amendments to the LUC identified below. In an attempt to keep them organized and easily identifiable, staff has employed an indexing system in which the article number is followed by the amendment number, separated by a decimal point/period. For example, the third amendment for Article 2 would be shown as Amendment 2.3.

### **ARTICLE 1 –AMENDMENTS**

#### Amendment 1.1

Section 1.15, is amended with the addition of the following:

*Archery range* means a facility where only bows and arrows may be used for target practice.

#### Amendment 1.2

Section 1.15, is amended with the addition of the following:

*Assisted living facility* means a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may have a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

#### Amendment 1.2

Section 1.15, is amended with the addition of the following:

*Crematorium or crematory* means a place where human or animal remains are reduced to ashes.

#### Amendment 1.3

Section 1.15, is amended with the addition of the following:

*Pervious surface* means a surface that allows precipitation to infiltrate directly into the ground.

#### Amendment 1.3

Section 1.15, amends the following definition to correct a spelling error:

*Recreational vehicle (RV)* means any vehicle which may be used for recreation or personal purposed and shall include, but not be limited to a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade.



Recreational vehicle includes any trailer used to transport any recreational vehicle(s). Additionally, the following shall be considered a recreational vehicle:

Amendment 1.4

Section 1.15, is amended to read as follows:

*Resubdivision or replat* means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Amendment 1.5

Section 1.15, is amended to read as follows:

*Rural road* means a street designed following the rural local cross-section as described in approved version of the Town of Frederick Design Standards and Construction Specifications.

Amendment 1.6

Section 1.15, is amended with the addition of the following:

*Shooting range* means an area or structure specially designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice.

Amendment 1.7

Section 1.15, is amended with the addition of the following:

*Shooting range, indoor* means the an indoor area designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice.

Amendment 1.8

Section 1.15, is amended with the addition of the following:

*Shooting range, outdoor* means the use of land designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.



#### Amendment 1.9

Section 1.15, is amended to read as follows:

*Sight distance triangle* means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. Further definition is provided in the approved version of the Town of Frederick Design Standards and Construction Specifications.

#### Amendment 1.10

Section 1.15, is amended to read as follows:

*Zone district* means an area that is governed by standardized zoning regulations as established in Article 3 of this Code.

### **ARTICLE 2 –AMENDMENTS**

#### Amendment 2.1

Section 2.7, replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

#### Amendment 2.2

Section 2.7.1, is amended to read as follows:

1. Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment. In the past, streets have been designed primarily to promote the efficient movement of traffic.

#### Amendment 2.3

Section 2.7.2.a, is amended to read as follows:

a. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the intent of the approved *Transportation Map* of the Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town. Street intersections shall be separated by distances listed in Section 2.1 below as measured from the intersecting right-of-way lines.



#### Amendment 2.4

Section 2.7.2.1: is amended to read as follows:

1. Intersections. Intersections shall meet the following requirements unless otherwise approved by the Board of Trustees:

(1) Intersections shall be provided at the following minimum offsets:

(a) State highway (principal arterial): In accordance with the latest edition of the Colorado State Highway Access Code;

(b) Arterial: Six hundred sixty (660) feet;

(c) Collector: Two hundred fifty (250) feet;

(d) Local: One hundred twenty-five (125) feet.

(2) No more than two (2) streets shall intersect at one (1) point unless connected using an approved roundabout.

(3) Streets shall intersect at ninety-degree angles unless connected using an approved roundabout.

#### Amendment 2.5

Section 2.7.2.n(1)(c)ii is amended to read as follows:

ii A maximum of thirty-eight (38) feet in non-residential zones.

#### Amendment 2.6

Section 2.8.6.b.(1) is amended to read as follows:

(1) Accessible parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle.

#### Amendment 2.7

Section 2.8.6.c. is amended to read as follows:

c. Drive lanes used as primary access by emergency response vehicles shall be a minimum of twenty-six feet (26') wide.

#### Amendment 2.8

Section 2.8 is amended with the addition of the following:

#### 9. Vehicle stacking standards

a. The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the Decision-Making Body:

(1) Minimum Number of Vehicle Stacking Spaces: Off-street stacking spaces shall be provided as follows:



<b>Table 2-5</b>		
<b>Activity Type</b>	<b>Minimum Stacking Spaces</b>	<b>Measured From: [1]</b>
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
Other	4	Pick-Up Window
Note [1]: Measured so that the driver's side window is centered on the teller, order box, or window, as applicable.		

(2) Design and Layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:

(a). Vehicle Stacking Spaces.

- i. Size. Vehicle stacking spaces must be a minimum of nine (9) feet by twenty (20) feet in size.
- ii. Location. Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.
- iii. Design.
  1. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.
  2. Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.



(b). Drive-In (Drive-Through) Facilities and Lanes.

i. Location and Screening.

1. Drive-in facilities (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
2. To the maximum extent practicable, drive-in lanes shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty (20) feet from any adjacent public street or sidewalk. The entire twenty foot (20') setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets.
3. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.
4. Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.
5. In addition to any buffering required by Article 2, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six (6) feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.

Amendment 2.9

Section 2.11. replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.

Amendment 2.10

Section 2.11.9.c. is amended to read as follows:

c. All residential developments shall dedicate a minimum of twenty percent (20%) of the gross land area for public parks, trails, open space or other similar purposes at the time of subdivision.

(1) Estate zones. The developer shall provide a minimum of twenty percent (20%) of the gross land being subdivided as functional open space, which may include agricultural land, natural areas, storm water facilities (if in compliance with Section 2.14.10), floodplains, subsidence areas, trails, and lands dedicated for other similar purposes, excluding roads.



(2) Single-family residential developments zoned R-1 or R-MH1. The developer shall provide:

(a) A minimum of twenty percent (20%) of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned landscaped areas (excluding parking lots), ponds, lakes, storm water facilities (if in compliance with Section 2.14.10), natural areas, and amenities for residents or other similar purposes;

(b) One (1) centrally located pocket park for every two hundred (200) residential units;

(c) The land for one (1) neighborhood park within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development.

(3) Multi-family residential developments zoned R-2 or R-3 or zones that allow for residential development. The developer shall provide:

(a) A minimum of twenty-five percent (25%) of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned or landowner-owned landscaped areas (excluding roads, drives, and parking lots), natural areas and amenities for residents or other civic purposes;

#### Amendment 2.11

Section 2.12. Replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.

#### Amendment 2.12

Section 2.14.7.b. is amended to read as follows:

b. Single-family residential (R-1, R-MH1, and R-MH2) landscaping development standards.

#### Amendment 2.13

Section 2.14.7.b.(4) is amended to read as follows:

(4) The lot owner shall:

(a) Install remainder of yard, and is encouraged to plant additional trees, shrubs and flowers, etc., using low water plants and techniques to promote energy and resource efficiency as generally set forth in this Section.

(b) Not cover any more than twenty-five percent (25%) of any yard area in decorative rock or gravel.



(c) Maintain a minimum of twenty percent (20%) of the yard in a pervious condition.

#### Amendment 2.14

Section 2.15.5.d. is amended to read as follows:

d. Outdoor Storage areas. Outdoor storage areas shall be screened through a combination of fencing, landscaping, walls, and architectural elements. Particular care shall be made to screen storage, service, and utility areas from I-25, Highway 52, and any adjacent arterial road.

#### Amendment 2.15

Section 2.17 is amended with the addition of a new 3. As follows

3. Prohibited buildings in the residential zoning districts.
  - a. Metal buildings greater than 200 square feet are not permitted in a residentially zoned neighborhood.
  - b. Clear span buildings are not permitted in a residentially zoned neighborhood.

#### Amendment 2.16

Subsections 3., 4. and 5. of Section 2.17 are renumbered to be 4., 5. and 6.

#### Amendment 2.17

Section 2.18.4.g. is amended to read as follows:

- g. Wall articulation.
  - (1) Walls shall not have an uninterrupted length exceeding fifty (50) feet. A combination of pilasters, texture transitions, windows and stepping of the wall plane are required.

#### Amendment 2.18

Section 2.18.5.k.(1). Is amended to read as follows:

(1) Type 1 Standard: Colors shall be used to blend buildings into an area and to unify elements of a development. Color should be drawn from the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area. Monotonous or monochromatic color palettes are strongly discouraged. Primary or other bright colors should be used sparingly and only as accents. Accent colors used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with predominant building base



colors and may be incorporated using such elements as shutters, window mullions, building trim and awnings.





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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#### Ordinance Amending Frederick Municipal Code Section 10-251 Regarding the Sale or Possession of Cigarettes, Tobacco Products and Nicotine Products

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**Agenda Date:** Town Board Meeting - (April 22, 2014)

**Attachments:**

- a. Ordinance No. 1168
- b. Senate Bill 14-018


**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

\_\_\_\_\_  
"Town Attorney"

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

---

#### **Summary Statement:**

*With the advent of e-cigarettes as a delivery vehicle for tobacco products and nicotine products, Colorado law was changed to include the "nicotine products". This ordinance brings Frederick into alignment with the State Statute for enforcement purposes.*

#### **Detail of Issue/Request:**

*The term "nicotine product" was added to the Town's existing code in addition to the affirmative defense provision and the exception for the use of an "undercover" teenager buying product at the request of a governmental agency. The Town code will now be in alignment with the State Statute.*



**Legal/Political Considerations:**

*The proposed ordinance was drafted by the Town Attorney.*

**Alternatives/Options:**

*Not adopting the amendment would limit the Town's enforcement capabilities as relates to nicotine products which include e-cigarettes.*

**Financial Considerations:**

*"Not Applicable".*

**Staff Recommendation:**

*Staff recommends approval of the ordinance.*



**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. 1168**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
SECTION 10-251 OF THE FREDERICK MUNICIPAL CODE WITH REGARD  
TO CIGARETTES, TOBACCO PRODUCTS AND NICOTINE PRODUCTS.**

**WHEREAS**, the use of cigarettes, tobacco products, or nicotine products creates dangerous risks to the health of the people of the State of Colorado and the Town of Frederick; and

**WHEREAS**, studies have shown that most people who use cigarettes, tobacco products, or nicotine products started using them before the age of eighteen; and

**WHEREAS**, the costs of health care for persons suffering from diseases caused by the use of cigarettes, tobacco products, or nicotine products are borne by all people of the State of Colorado; and

**WHEREAS**, it is the intent of the Board of Trustees to extend the current local restrictions on the sale and possession of cigarettes and tobacco products, to include nicotine products and devices that can be used to deliver tobacco or nicotine to the person inhaling from the device.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** Section 10-251 of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“10-251 Cigarettes, tobacco products and nicotine products.

(a) It is unlawful for any person to knowingly furnish to any person who is under eighteen (18) years of age, by gift, sale, distribution, dispensing, offering for sale or by any other means, any cigarettes, tobacco products or nicotine products.

(b) It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes, tobacco products or nicotine products was presented with and reasonably relied upon a document which identified the person receiving the cigarettes, tobacco product or nicotine products as being eighteen (18) years of age or older.

(c) It is unlawful for any person who is under eighteen (18) years of age to purchase or attempt to purchase any cigarettes, tobacco products or nicotine products.

(d) It is unlawful for any person who is under eighteen (18) years of age to possess any cigarettes, tobacco products or nicotine products.

(e) It is not an offense under paragraphs (c) and (d) above if the person under eighteen years of age was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes, tobacco products or nicotine products to minors.

(f) As used in this Section, “cigarette, tobacco product, or nicotine product” means:



(1) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or

(2) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

(g) Notwithstanding any provision of paragraph (f) to the contrary, “cigarette, tobacco product, or nicotine product” does not mean a product that the food and drug administration of the United States Department of Health and Human Services has approved as a tobacco use cessation product.

(h) Subsections (a), (c) and (d) of this Section are designated as noncriminal violations.”

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

**Section 4. Violations and Penalties.**

(a) It shall be a violation of this ordinance for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in this ordinance.

(b) Any person, firm or corporation convicted of violating the terms or conditions of the ordinance adopted hereby is guilty of a civil violation and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day during which such violation continues shall be deemed a separate offense.

(c) In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.

**Section 5. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 6. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 22ND .**



**DAY OF APRIL, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



**NOTE:** This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 14-018

BY SENATOR(S) Nicholson and Jones, Aguilar, Newell, Schwartz, Steadman, Todd, Ulibarri;  
also REPRESENTATIVE(S) Hamner and Young, Becker, Court, Fischer, Labuda, Moreno, Primavera, Rosenthal, Ryden.

CONCERNING THE PROHIBITION AGAINST FURNISHING NICOTINE PRODUCTS  
TO PERSONS UNDER EIGHTEEN YEARS OF AGE.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 18-13-121 as follows:

**18-13-121. Furnishing cigarettes, tobacco products, or nicotine products to minors.** (1) (a) A person shall not give, sell, distribute, DISPENSE, or offer for sale A CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT to any person who is under eighteen years of age. ~~any cigarettes or tobacco products.~~

(b) Before GIVING, selling, DISTRIBUTING, DISPENSING, OR OFFERING TO SELL to ~~any~~ AN individual any cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*



individual is eighteen years of age or older; except that, in face-to-face transactions, this requirement ~~shall be~~ IS waived if the individual appears older than thirty years of age.

(c) A person who violates paragraph (a) or (b) of this subsection (1) commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars.

(d) It ~~shall be~~ IS an affirmative defense to a prosecution under paragraph (a) of this subsection (1) that the person furnishing the cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product was presented with and reasonably relied upon a document that identified the individual receiving the cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product as being eighteen years of age or older.

(2) (a) ~~Any~~ A person who is under eighteen years of age and who purchases or attempts to purchase any cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars; except that, following a conviction or adjudication for a first offense under this subsection (2), the court in lieu of the fine may sentence the person to participate in a tobacco education program. The court may allow a person convicted under this subsection (2) to perform community service and be granted credit against the fine and court costs at the rate of five dollars for each hour of work performed for up to fifty percent of the fine and court costs.

(b) It ~~shall~~ IS not ~~be~~ an offense under paragraph (a) of this subsection (2) if the person under eighteen years of age was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors.

(3) Nothing in this section ~~shall be construed to prohibit any~~ PROHIBITS A statutory or home-rule municipality from enacting an ordinance that prohibits a person under eighteen years of age from purchasing any cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products or imposes requirements more stringent than provided in this section.

(3.5) NOTHING IN THIS SECTION AFFECTS FEDERAL LAWS



CONCERNING CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AS THEY APPLY TO MILITARY BASES AND INDIAN RESERVATIONS WITHIN THE STATE.

(4) (Deleted by amendment, L. 98, p. 1185, § 2, effective July 1, 1998.)

(5) (a) As used in this section, "CIGARETTE, tobacco PRODUCT, OR NICOTINE product" means:

(I) ~~Any~~ A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or

(II) Any ~~electronic~~ device that can be used to deliver TOBACCO OR nicotine to the person inhaling from the device, including ~~but not limited to~~ an electronic cigarette, cigar, cigarillo, or pipe.

(b) Notwithstanding any provision of paragraph (a) of this subsection (5) to the contrary, "CIGARETTE, tobacco PRODUCT, OR NICOTINE product" does not mean ~~any~~ A product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

**SECTION 2.** In Colorado Revised Statutes, **amend** 24-35-501 as follows:

**24-35-501. Legislative declaration.** (1) The general assembly finds that:

(a) The use of CIGARETTES, tobacco PRODUCTS, OR NICOTINE PRODUCTS creates dangerous risks to the health of the people of the state of Colorado;

(b) Studies have shown that most people who use CIGARETTES, tobacco PRODUCTS, OR NICOTINE PRODUCTS started using it ~~when they were minors~~ THEM BEFORE THE AGE OF EIGHTEEN; and

(c) The costs of health care for persons suffering from diseases caused by the use of CIGARETTES, tobacco PRODUCTS, OR NICOTINE



PRODUCTS are borne by all of the people of the state of Colorado.

(2) The general assembly also recognizes that:

(a) Federal regulations now require states, through designated state agencies, to develop programs to reduce the use of CIGARETTES, tobacco PRODUCTS, OR NICOTINE PRODUCTS by minors as demonstrated by random inspection of businesses that sell CIGARETTES, tobacco PRODUCTS, OR NICOTINE PRODUCTS at retail.

~~(b) As of January 1, 1998, there is no state agency specifically assigned the responsibility of enforcing the statutes of the state of Colorado prohibiting the sale of tobacco to minors or coordinating the inspection of businesses that sell tobacco;~~

~~(c) The liquor enforcement division of the department of revenue has experience in enforcing laws relating to the sale of liquor to minors; and~~

~~(d) The liquor enforcement division would be the most cost-effective state agency to enforce state laws relating to the sale of tobacco to minors.~~

**SECTION 3.** In Colorado Revised Statutes, **amend** 24-35-502 as follows:

**24-35-502. Definitions.** As used in this part 5, unless the context otherwise requires:

(1) "CIGARETTE, TOBACCO PRODUCT, OR NICOTINE PRODUCT" HAS THE SAME MEANING AS PROVIDED IN SECTION 18-13-121, C.R.S.

~~(1)~~ (2) "Department" means the department of revenue.

~~(2)~~ (3) "Division" means the division of liquor enforcement within the department.

~~(3)~~ (4) "Hearing officer" means a person designated by the executive director of the department to conduct hearings held pursuant to section 24-35-505.



~~(4)~~ (5) "Minor" means a person under eighteen years of age.

~~(5)~~ (6) "Retailer" means a business of any kind at a specific location that sells cigarettes, ~~or~~ tobacco products, OR NICOTINE PRODUCTS to a user or consumer.

~~(6)~~ "Tobacco product" has the same meaning as provided in section ~~18-13-121, C.R.S.~~

**SECTION 4.** In Colorado Revised Statutes, 24-35-503, **amend** (1), (2) introductory portion, and (3); and **add** (5) as follows:

**24-35-503. Sale of cigarettes, tobacco products, or nicotine products to minors or in vending machines prohibited - warning sign - small quantity sales prohibited.** (1) No retailer shall sell or permit the sale of cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products to a minor; except that it ~~shall~~ IS not ~~be~~ a violation if the retailer establishes that the person selling the cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product was presented with and reasonably relied upon a photographic identification that identified the person purchasing the cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product as being eighteen years of age or older.

(2) No retailer shall sell or offer to sell any cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

(3) Any person who sells or offers to sell ~~any~~ cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products shall display a warning sign as specified in this subsection (3). The warning sign ~~shall~~ MUST be displayed in a prominent place in the building and on any vending or coin-operated machine at all times, ~~shall~~ MUST have a minimum height of three inches and a width of six inches, and ~~shall~~ MUST read as follows:

WARNING  
IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN  
YEARS OF AGE TO PURCHASE CIGARETTES, ~~AND~~  
TOBACCO PRODUCTS, OR NICOTINE PRODUCTS,  
AND, UPON CONVICTION, A \$100.00 FINE MAY BE  
IMPOSED.



(5) NOTHING IN THIS SECTION AFFECTS FEDERAL LAWS CONCERNING CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE PRODUCTS, AS THEY APPLY TO MILITARY BASES AND INDIAN RESERVATIONS WITHIN THE STATE.

**SECTION 5.** In Colorado Revised Statutes, **amend** 24-35-504 as follows:

**24-35-504. Enforcement authority - designation of agency - coordination - sharing of information.** (1) The division ~~shall have~~ HAS the power to enforce all state statutes relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors. The division is designated as the lead state agency for the enforcement of state statutes in compliance with federal laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors.

(2) The division shall coordinate the enforcement of state laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors by multiple state agencies to avoid duplicative inspections of the same retailer by multiple state agencies.

(3) (a) The division shall work with the department of human services and the department of public health and environment to ensure compliance with federal regulations for continued receipt of all federal funds contingent upon compliance with laws related to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors.

(b) The division shall perform at least the minimum number of random inspections of businesses that sell cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products at retail as required by federal regulations.

(c) In order to pay for the inspections required by paragraph (b) of this subsection (3), the division shall apply for a grant from the tobacco education, prevention, and cessation program established in part 8 of article 3.5 of title 25, C.R.S.

(4) In order to enforce laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to ~~persons under eighteen years of age~~ MINORS, the department of revenue ~~is authorized to~~ MAY share information on the identification and address of retailers that sell



cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products with any state agency responsible for the enforcement of laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors.

**SECTION 6.** In Colorado Revised Statutes, 24-35-505, **amend** (1) and (7) as follows:

**24-35-505. Hearings.** (1) Subject to the limitations contained in section 24-35-506, the division, on its own motion or on a complaint from another governmental agency responsible for the enforcement of laws relating to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors, ~~shall have~~ HAS the power to penalize retailers for violations of section 24-35-503.

(7) Any fines collected for violations of section 24-35-503 shall be forwarded to the state treasurer, who shall credit ~~the same~~ THEM to the CIGARETTE, tobacco PRODUCT, AND NICOTINE PRODUCT use BY MINORS prevention fund created in section 24-35-507.

**SECTION 7.** In Colorado Revised Statutes, 24-35-506, **amend** (2) as follows:

**24-35-506. Limitation on fines.** (2) Notwithstanding ~~the provisions of~~ subsection (1) of this section, no fine for a violation of section 24-35-503 (1) shall be imposed upon a retailer that can establish an affirmative defense to the satisfaction of the division or the hearing officer that, prior to the date of the violation, it:

(a) Had adopted and enforced a written policy against selling cigarettes, ~~or~~ tobacco PRODUCTS, OR NICOTINE products to persons under ~~the age of~~ eighteen years OF AGE;

(b) Had informed its employees of the applicable laws regarding the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to persons under ~~the age of~~ eighteen years OF AGE;

(c) Required employees to verify the age of cigarette, ~~or~~ tobacco PRODUCT, OR NICOTINE product customers by way of photographic identification; and



(d) Had established and imposed disciplinary sanctions for noncompliance.

**SECTION 8.** In Colorado Revised Statutes, **amend** 24-35-507 as follows:

**24-35-507. Cigarette, tobacco product, and nicotine product use by minors prevention fund - grants.** (1) There is hereby created in the state treasury the CIGARETTE, tobacco PRODUCT, AND NICOTINE PRODUCT use BY MINORS prevention fund, referred to in this section as the "fund". Moneys in the fund ~~shall be~~ ARE subject to annual appropriation by the general assembly. Any interest derived from the deposit and investment of moneys in the fund ~~shall be credited to~~ REMAINS IN the fund. Any unexpended or unencumbered moneys remaining in the fund at the end of any fiscal year ~~shall~~ remain in the fund and ~~shall~~ DO not revert or ~~be transferred~~ TRANSFER to the general fund or any other fund of the state.

(2) Subject to annual appropriations by the general assembly, the department of human services may make grants from the fund to programs designed to develop training materials for retailers related to the prohibition of the sale of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products to minors or to programs designed to prevent the use of cigarettes, ~~and~~ tobacco PRODUCTS, OR NICOTINE products by minors.



**SECTION 9. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

---

Morgan Carroll  
PRESIDENT OF  
THE SENATE

---

Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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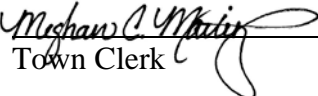
#### Appointment of Board Member to Building Appeals Board

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**Agenda Date:** Town Board Meeting – April 22, 2014

**Attachments:** None

**Finance Review:** N/A  
Finance Director

**Submitted by:**   
Town Clerk

**Approved for Presentation:**   
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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#### **Summary Statement:**

There is one Board Member vacancy on the Building Appeals Board.

#### **Detail of Issue/Request:**

Ordinance 1032 specifies the membership of the Building Appeals Board shall be comprised of at least one Board member and two members of the community appointed by the Board of Trustees.

The Building Appeals Board is tasked with hearing and deciding appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Code.

Staff is requesting appointment of one member of the Board of Trustees to fill the vacancy on the Building Appeals Board.

#### **Legal/Political Considerations:**

N/A



**Alternatives/Options:**

None.

**Staff Recommendation:**

Staff recommends appointing one member of the Board of Trustees to the Building Appeals Board.





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### Action Memorandum

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Donna Hudziak, Trustee

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#### **Appointment of Board Member to the Miner's Day Celebration Commission**

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**Agenda Date:** Town Board Meeting – April 22, 2014

**Attachments:** None

**Finance Review:** N/A  
Finance Director

**Submitted by:** Meghan C. Martin  
Town Clerk

**Approved for Presentation:** Matthew S. Ziegler  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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#### **Summary Statement:**

#### **Detail of Issue/Request:**

The Frederick Municipal Code outlines the membership of the Miners Day Celebration Commission as nine residents and two members of the Board of Trustees.

There are currently two board member vacancies on the Miners Day Celebration Commission.

The Commission is tasked with advising the Board of Trustees regarding the planning and organization of the Miners Day Celebration which shall focus on the Town's rich mining heritage, showcase the community, and provide entertainment for all ages.

Staff is requesting appointment of two members of the Board of Trustees to the Miners Day Celebration Commission.



**Legal/Political Considerations:**

N/A

**Alternatives/Options:**

None.

**Staff Recommendation:**

Staff recommends appointing two members of the Board of Trustees to the Miners Day Celebration Commission.





# TOWN OF FREDERICK

## Board of Trustees

### Action Memorandum

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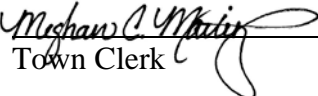
#### **Appointment of Board Member to the Denver Regional Council of Governments (DRCOG)**

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**Agenda Date:** Town Board Meeting – April 22, 2014

**Attachments:** None

**Finance Review:** N/A  
Finance Director

**Submitted by:**   
Town Clerk

**Approved for Presentation:**   
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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#### **Summary Statement:**

Frederick's Board of Directors seat on DRCOG is currently vacant.

#### **Detail of Issue/Request:**

The Denver Regional Council of Governments is a non-profit association of local governments. DRCOG is a planning organization where local governments collaborate to establish guidelines, set policy and allocate funding in areas of: Transportation and Personal Mobility, Growth and Development, and Aging and Disability Resources

Frederick's seat on DRCOG's Board of Directors is currently vacant.

Staff is requesting appointment of one board member to Frederick's vacant seat on DRCOG.

#### **Legal/Political Considerations:**

N/A



**Alternatives/Options:**

None.

**Staff Recommendation:**

Staff recommends appointing one member of the Board of Trustees to DRCOG.